

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 9/20/06 - MAR

Division: County Attorney's Office

Bulk Item: Yes X No

Staff Contact Person: Suzanne Hutton

AGENDA ITEM WORDING:

Approval of Resolution setting date, time and place for a public hearing concerning the proposed abandonment of a portion of First Avenue, Stock Island, Monroe County, Florida which was previously closed to public access by the BOCC in 1988.

ITEM BACKGROUND:

In 1988 the BOCC closed the road to public access. The statutory process for abandonment was not strictly followed and the resolution stated closure, not the traditional language of an abandonment. During the years 1988 through 1993, and 2001 and 2002, the property was treated by the Property Appraiser's office as if it were abandoned. Counsel for adjacent owners has requested that the road be finally abandoned. **See in attached back-up the March 28, 2003 and March 20, 2003 memos to Mayor Spehar with details of the history and conclusion that the road was not previously abandoned.**

A Road Abandonment Petition was filed by Boyd's Campground on October 5, 2005 seeking to abandon a portion of First Avenue, Stock Island, Monroe County, FL. The Petition has been reviewed and conditionally approved by Engineering (10/11/05) and the Fire Marshall (12/6/05). Petitioner provided written documentation of compliance with the conditions set forth by both the Engineer and the Fire Marshall (3/22/06). Petition has been reviewed and denied by the Planning Department on 4/26/06 based on the following: *"The road terminates on a body of water, and thereby is not consistent with Goal 213 of the Monroe County Year 2010 Comprehensive Plan or Sec. 16-1 of the Monroe County Code."*

PREVIOUS RELEVANT BOCC ACTION:

On July 5, 1988, approved *Resolution No. 279-1988* closing road.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS:

Adoption of Resolution setting one public hearing for 3:00 p.m. on **OCTOBER 18, 2006 in Key West, Florida.**

TOTAL COST: Petitioner Pays

BUDGETED: Yes No

COST TO COUNTY: N/A

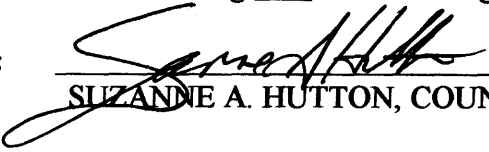
SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

RESOLUTION NO. -2006

A RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING CONCERNING THE PROPOSED ABANDONMENT OF A PORTION OF FIRST AVENUE, STOCK ISLAND, AS RECORDED IN PLAT BOOK 1, AT PAGE 55 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND WHICH WAS PREVIOUSLY CLOSED TO PUBLIC ACCESS PURSUANT TO RESOLUTION NO. 279-1988.

WHEREAS, the Board of County Commissioners of Monroe County, Florida, desires to renounce and disclaim any right of the County and the public in and to the hereinafter described streets, alley-ways, roads or highways, and

WHEREAS, under Chapter 336, Florida Statutes, it is necessary to hold a public hearing after publishing due notice of said hearing in accordance with said Chapter, now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the Board will hold a public hearing on **October 18, 2006 at 3:00 P.M. at the Harvey Government Center, 1200 Truman Avenue, Key West, Florida**, to determine whether or not the Board will renounce and disclaim any right of the County and the public in and to the following described streets, alley-ways, roads or highways as delineated on the hereinafter described map or plat, to-wit:

(Attached as Exhibit A)

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the 20th day of September, 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Dixie Spehar
Commissioner George Neugent
Commissioner Glenn Patton
Commissioner Mario DiGennaro

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor Charles "Sonny" McCoy

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM.

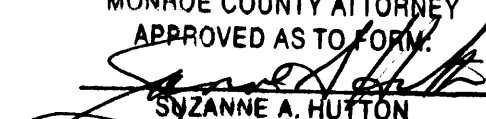

SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 9/25/06

EXHIBIT A
to Resolution No. _____ - 2006

PARCEL 1: A parcel of land on Stock Island being a portion of the N'ly 1/2 of First Avenue, lying between the E'ly right of way line of First Street and the original shoreline of Boca Chica Channel, also lying between Blocks 33 and 44, as shown on George McDonald's Plat of Stock Island, as recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the SW'ly corner of the said Block 33, said point also being the N'ly right of way line of First Avenue and the E'ly right of way line of First Street and run thence E'ly along the N'ly right of way line of the said First Avenue for a distance of 24.00 feet to a point, said point being the Point of Beginning; thence S'ly and at right angles for a distance of 30.00 feet to the centerline of the said First Avenue; thence E'ly and at right angles along the centerline of the said First Avenue for a distance of 235.00 feet to the original shoreline of Boca Chica Channel as shown on said Plat; thence N'ly with a deflection angle of 104°46'15" to the left and along the original shoreline of Boca Chica Channel as shown on said Plat for a distance of 20.5 feet, more or less, to the apparent Mean High Water Line of the said Boca Chica Channel; thence meander W'ly and NW'ly along the apparent Mean High Water Line of the said Boca Chica Channel for a distance of 64 feet, more or less, to the N'ly right of way line of the said First Avenue; thence W'ly and along the N'ly right of way line of the said First Avenue for a distance of 167 feet, more or less, back to the Point of Beginning.

PARCEL 2: A parcel of land on Stock Island being a portion of the S'ly 1/2 of First Avenue, lying between the E'ly right of way line of First Street and the original shoreline of Boca Chica Channel, also lying between Blocks 33 and 44, as shown on George McDonald's Plat of Stock Island, as recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows;

COMMENCE at the NW'ly corner of the said Block 44, said point also being the S'ly right of way line of First Avenue and the E'ly right of way line of First Street and run thence E'ly along the S'ly right of way line of the said First Avenue for a distance of 32.00 feet to B point, said point being the Point of Beginning; thence N'ly and at right angles for a distance of 17.50 feet; thence W'ly and at right angles for a distance of 8.00 feet; thence N'ly and at right angles for a distance of 12.50 feet to the centerline of the said First Avenue; thence E'ly and at right angles along the centerline of the said First Avenue for a distance of 235.00 feet to the original shoreline of Boca Chica Channel as shown on said Plat; thence S'ly with a deflection angle of 75°13'45" to the right and along the original shoreline of Boca Chica Channel as shown on said Plat for a distance of 31.03 feet to the S'ly right of way line of the said First Avenue; thence W'ly with a deflection angle 104°46'15" to the right and along the S'ly right of way line of the said First Avenue for a distance of 234.90 feet back to the Point of Beginning.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Monroe County, Florida, will hold a public hearing on **October 18, 2006 at 3:00 P.M. at the Harvey Government Center, 1200 Truman Avenue, Key West, Florida**, for the purpose of determining whether or not the following streets, alley-ways, roads or highways shall be abandoned:

PARCEL 1: A parcel of land on Stock Island being a portion of the N'ly 1/2 of First Avenue, lying between the E'ly right of way line of First Street and the original shoreline of Boca Chica Channel, also lying between Blocks 33 and 44, as shown on George McDonald's Plat of Stock Island, as recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the SW'ly corner of the said Block 33, said point also being the N'ly right of way line of First Avenue and the E'ly right of way line of First Street and run thence E'ly along the N'ly right of way line of the said First Avenue for a distance of 24.00 feet to a point, said point being the Point of Beginning; thence S'ly and at right angles for a distance of 30.00 feet to the centerline of the said First Avenue; thence E'ly and at right angles along the centerline of the said First Avenue for a distance of 235.00 feet to the original shoreline of Boca Chica Channel as shown on said Plat; thence N'ly with a deflection angle of 104°46'15" to the left and along the original shoreline of Boca Chica Channel as shown on said Plat for a distance of 20.5 feet, more or less, to the apparent Mean High Water Line of the said Boca Chica Channel; thence meander W'ly and NW'ly along the apparent Mean High Water Line of the said Boca Chica Channel for a distance of 64 feet, more or less, to the N'ly right of way line of the said First Avenue; thence W'ly and along the N'ly right of way line of the said First Avenue for a distance of 167 feet, more or less, back to the Point of Beginning.

PARCEL 2: A parcel of land on Stock Island being a portion of the S'ly 1/2 of First Avenue, lying between the E'ly right of way line of First Street and the original shoreline of Boca Chica Channel, also lying between Blocks 33 and 44, as shown on George McDonald's Plat of Stock Island, as recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows;

COMMENCE at the NW'ly corner of the said Block 44, said point also being the S'ly right of way line of First Avenue and the E'ly right of way line of First Street and run thence E'ly along the S'ly right of way line of the said First Avenue for a distance of 32.00 feet to B point, said point being the Point of Beginning; thence N'ly and at right angles for a distance of 17.50 feet; thence W'ly and at right angles for a distance of 8.00 feet; thence N'ly and at right angles for a distance of 12.50 feet to the centerline of the said First Avenue; thence E'ly and at right angles along the centerline of the said First Avenue for a distance of 235.00 feet to the original shoreline of Boca Chica Channel as shown on said Plat; thence S'ly with a deflection angle of 75°13'45" to the right and along the original shoreline of Boca Chica Channel as shown on said Plat for a distance of 31.03 feet to the S'ly right of way line of the said First Avenue; thence W'ly with a deflection angle 104°46'15" to the right and along the S'ly right of way line of the said First Avenue for a distance of 234.90 feet back to the Point of Beginning.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

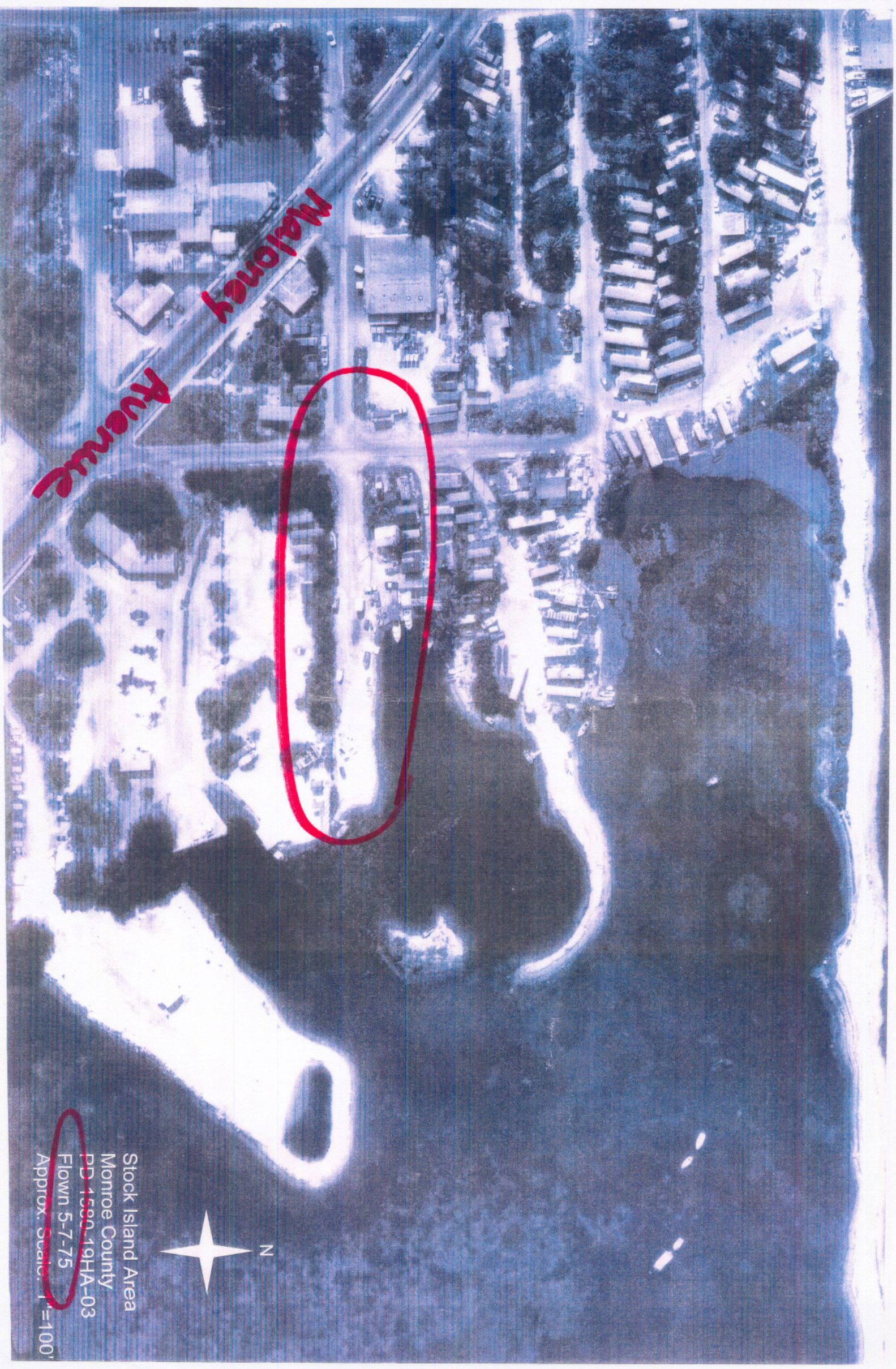
Dated at Key West, Florida, this 20th day of September, 2006.

DANNY L. KOLHAGE, Clerk of the Circuit Court
and ex officio Clerk of the Board of County
Commissioners of Monroe County, Florida

(SEAL)

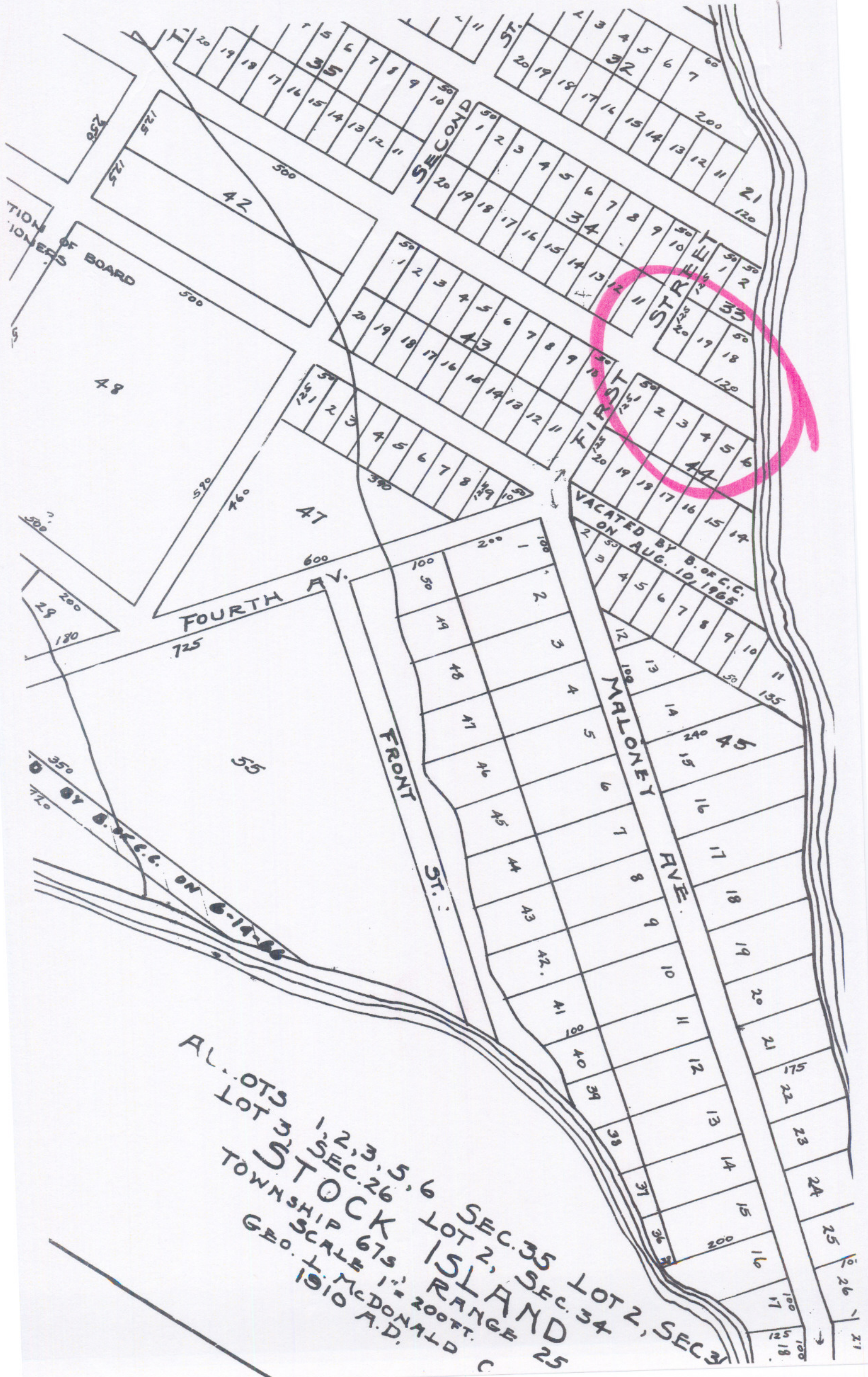
Publication date:

The Key West Citizen (Sunday) 9/24/06



Stock Island Area
Monroe County
PD 1580-19HA-03
Flown 5-7-75
Approx. Scale: 1"=100'





ALOTS 1, 2, 3, 5, 6 SEC. 26 LOT 2, SEC. 34
STOCK ISLAND
TOWNSHIP 67S RANGE 1E
SCALE 1" = 200 FT.
GEO. 1910 A.D.
MCDONALD



MONROE COUNTY PROPERTY APPRAISER
COUNTY COURTHOUSE

P.O. BOX 1176
KEY WEST, FLORIDA 33041
PHONE (305) 292-3420

ERVIN A. HIGGS, C.F.A.-CRA

May 13, 2003

Edward T. Woodson, Jr.
14041 E. Radcliff Circle
Aurora, CO 80015

RE: Closed portion of First Avenue

Dear Mr. Woodson:

After recent inquiries on the above referenced we've asked our attorney for his legal opinion as to how the tax roll should be carried concerning that portion of First Avenue. A copy of his opinion is enclosed herewith for your review.

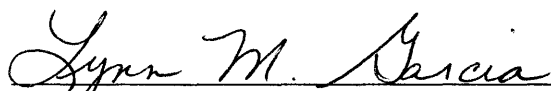
Please be advised that for the 1988 thru 1993, 2001 & 2002 you were being assessed for that portion of the closed First Avenue. We have corrected our records and will no longer be assessing that portion of First Avenue with your parcel.

You may contact the Monroe County Tax Collector's Office to request a refund of the portion of taxes that were paid concerning First Avenue for the tax years 2001 & 2002. Unfortunately the time frame has elapsed for prior years.

If you have any questions or if I may be of any assistance to you, please feel free to call upon our office for assistance.

Very Truly Yours,

ERVIN A. HIGGS, C.F.A.-CRA
MONROE COUNTY PROPERTY APPRAISER

By: 
Lynn M. Garcia, Deputy Clerk
Real Estate Department

Enclosure

Cc: Suzanne Hutton, County Attorney

EAH/lmg

RECEIVED MAY 13 2003

CA4

MEMBER
PROFESSIONAL APPRAISERS ASSOCIATION OF FLORIDA
FLORIDA ASSOCIATION OF PROPERTY APPRAISERS — INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS
NATIONAL ASSOCIATION OF REVIEW APPRAISERS



MONROE COUNTY PROPERTY APPRAISER
COUNTY COURTHOUSE

P.O. BOX 1176
KEY WEST, FLORIDA 33041
PHONE (305) 292-3420

ERVIN A. HIGGS, C.F.A.-CRA

May 13, 2003

Boyd's Campground Ltd.
6401 Maloney Ave.
Key West, FL 33040

RE: Closed portion of First Avenue

Dear Mr. Boyd:

After recent inquiries on the above referenced we've asked our attorney for his legal opinion as to how the tax roll should be carried concerning that portion of First Avenue. A copy of his opinion is enclosed herewith for your review.

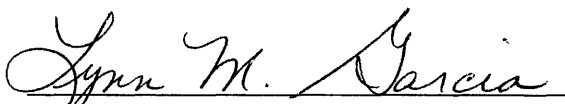
Please be advised that for the 1988 thru 1993, 2001 & 2002 you were being assessed for that portion of the closed First Avenue. We have corrected our records and will no longer be assessing that portion of First Avenue with your parcel.

You may contact the Monroe County Tax Collector's Office to request a refund of the portion of taxes that were paid concerning First Avenue for the tax years 2001 & 2002. Unfortunately the time frame has elapsed for prior years.

If you have any questions or if I may be of any assistance to you, please feel free to call upon our office for assistance.

Very Truly Yours,

ERVIN A. HIGGS, C.F.A.-CRA
MONROE COUNTY PROPERTY APPRAISER

By: 
Lynn M. Garcia, Deputy Clerk
Real Estate Department

Enclosure

Cc: Suzanne Hutton, County Attorney

EAH/lmg

RECEIVED MAY 13 2003

CAY

MEMBER
PROFESSIONAL APPRAISERS ASSOCIATION OF FLORIDA
FLORIDA ASSOCIATION OF PROPERTY APPRAISERS — INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS
NATIONAL ASSOCIATION OF REVIEW APPRAISERS



DENT & ASSOCIATES, P.A.

P.O. Box 3259 • SARASOTA, FLORIDA 34230

JOHN C. DENT, JR.
SHERRI L. JOHNSON
JOE D. DINGESS
MICHELE SANTI

E-MAIL ADDRESS: JDENT@DENTASSOCIATES.COM

RICHARD A. MILLER
OF COUNSEL

April 11, 2003

VIA FACSIMILE – (305) 292-3501

Ervin A. Higgs, CFA, CRA
Monroe County Property
Appraiser's Office
500 Whitehead Street
Key West, Florida 33040

Re: County Road – First Avenue, Stock Island

Dear Erv:

I have received further correspondence from Suzanne Hutton, Assistant County Attorney, with reference to the above issue regarding the purported closing a portion of a road on Stock Island. The statute regarding closing and abandonment of roads provides in §336.10, Fla. Stat., that notice of a proposed public hearing to effect closing or abandoning of roads is required to be published in a newspaper one time at least two weeks prior to the date scheduled for the hearing. Following the hearing a notice of the adoption of resolution by the commissioners is again to be published within 30 days following the adoption. Thereafter, the a proof of publication of the notice of the hearing, the resolution, and the proof of publication of adoption are required to be recorded in the public records of the county.

According to the documentation I have received it appears that the appropriate notice for the hearing of the resolution to "close" this portion of First Avenue in Stock Island was accomplished. I have also received a copy of resolution 279-1988 closing part of First Avenue. I have not been provided a notice of adoption of the resolution and appears from Suzanne's memo there never was one and it appears that the requisite recording of the appropriate documents in the public records never occurred.

Generally, when a notice that is mandated by the word "shall," indicates failure to do so renders any action void. *State v. Shields*, 140 So.2d 144 (Fla. 1st DCA 1962). Further, there also is mandatory language of recording the various documents in the public records which apparently has not occurred an act also which would render the process void. If the second notice was not published and the documents not recorded then that would alter my previous

330 S. ORANGE AVENUE • SARASOTA, FLORIDA 34236
(941) 952-1070 • FACSIMILE (941) 952-1094

RECEIVED MAY 13 2003
CAY

Ervin A. Higgs, CFA, CRA

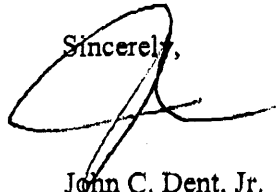
April 11, 2003

Page 2

opinion which was based purely on the interpretation of the resolution and its effect, not the procedural requirements. It should be noted that I have not searched the public records myself nor made an attempt to determine whether or not there was the second publication of the adoption of the resolution. For these, I am assuming the accuracy of Suzanne or other county employees who may have researched the matter.

If you have further questions regarding this matter, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to be "John C. Dent, Jr.", written over the word "Sincerely,".

John C. Dent, Jr.

JCD/eb

N:\H08-0433\Opinion Letters\Ltr-Higgs-Opinion County Authority Over County Roads 041003.doc



BOARD OF COUNTY COMMISSIONERS
MAYOR Dixie M. Spehar, District 1
Mayor Pro Tem, Murray E. Nelson, District 5
George Neugent, District 2
Charles "Sonny" McCoy, District 3
David P. Rice, District 4

Office of the County Attorney
PO Box 1026
Key West, FL 33041-1026
305/292-3470 - Phone
305/292-3516 - Fax



MEMORANDUM

TO: Mayor Dixie Spehar

FROM: Suzanne A. Hutton *SAH*
Assistant County Attorney

DATE: April 28, 2003

SUBJECT: First Avenue, Stock Island

This memo continues the saga of First Avenue, Stock Island, as previously addressed in my memorandums dated March 20 and March 28, 2003. Please be advised that the Property Appraiser's legal counsel sent to Mr. Higgs on April 11, 2003, a letter revising his prior opinion based on facts of which he had not been previously informed. As a result of his being made aware of the additional facts, he has concluded that First Avenue was not abandoned. As a result of a telephone conversation with Sharon Gonzalez in Mr. Higg's office, I am advised that the property owners affected will be sent information as to how to obtain refunds of the tax paid on the portion of First Avenue on which they have formerly been taxed. For your information, I was also advised that one of the affected property owners has only been taxed since the year 2001 and the other has been taxed since the year 2000.

Since the road has not been abandoned and the County has an interest in retaining jurisdiction over it, I would anticipate that any petition for road abandonment by Mr. Ray would be fruitless. The Engineering Department has already indicated to me that the County has a substantial reason for retaining the road. That reason would probably result in both the Growth Management and Engineering recommendations that the County not approve any road abandonment petition for any part of First Avenue to the east of First Street.

If you have any questions, please feel free to call.



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
Charles "Sonny" McCoy, District 3
David P. Rice, District 4

Office of the County Attorney
PO Box 1026
Key West, FL 33041-1026
305/292-3470 - Phone
305/292-3516 - Fax



March 28, 2003

John C. Dent, Jr., Esq.
P.O. Box 3269
Sarasota, FL 34230

Re: Your File No. H08-0433 (First Avenue, Stock Island)

Dear John:

Enclosed please find the most recent correspondence I have sent to the County Mayor. I think that I clearly explained therein my reasons for opining that the County did not abandon the road and never intended to do so. Your analysis of §336.12 Florida Statutes is well taken. It does provide that the act of the Commissioners in closing or abandoning or in renouncing or disclaiming any rights shall result in title of the owners being released. However, §336.09 uses the terminology "take, abandon, discontinue and close... and to renounce and disclaim any right of the county and the public, whether closure is an issue or not, an abandonment clearly requires that the public hearing, and that appropriate notices be made and filed in the Official Records with the resolution of abandonment. I have previously relied on §336.02(1)(a) which empowers the County Commission with general control of county roads whether by establishment, change, discontinuance, repair or otherwise. With that language and that found in Sections 336.09, 336.10, and 336.12, it would appear that the County has the authority to erect barriers prohibiting vehicular access without actually having to abandon all interest in a county road. I hope that you will revisit this issue, especially now that we know that there was never a recording in the Official Records of the County of Resolution No. 279-1988 along with the concomitant proofs of notice.

Thank you for your attention to this matter.

Sincerely,

Suzanne A. Hutton
Assistant County Attorney

SAH/ss

Enc.

CC: Mayor Dixie Spehar
Ervin Higgs, Property Appraiser



BOARD OF COUNTY COMMISSIONERS


Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
Charles "Sonny" McCoy, District 3
David P. Rice, District 4

Office of the County Attorney
PO Box 1026
Key West, FL 33041-1026
305/292-3470 - Phone
305/292-3516 - Fax



MEMORANDUM

TO: Mayor Dixie Spehar
Board of County Commissioners

FROM: Suzanne A. Hutton 
Assistant County Attorney

DATE: March 28, 2003

SUBJECT: First Avenue, Stock Island

This is a follow-up to my memorandum dated March 20, 2003, as a result of some additional questions which you posed. First, my opinion that Resolution No. 279-1988 closed and did not abandon First Avenue, Stock Island was based upon the failure to meet all of the prerequisites of §336.10, Florida Statutes, as discussed in my March 20th memo. At the time I wrote my March 20th memo, I did not feel it was necessary to deal with an interpretation of the language of the Resolution because the County did not fulfill the statutory requirements for an abandonment. However, you have questioned whether the intent of the Resolution was to abandon the road and a clerical error led to the absence of proper filing in the Official Records of Monroe County. It is my opinion, that there was an intent to close and not abandon the road as more thoroughly discussed below. I will be sending a copy of this memo, as well as the last, to John Dent who wrote the September 2, 1999 letter which Mr. Ray brought to your attention. As previously stated, I do not believe Mr. Dent was provided with full information of the facts, but relied solely on the language of the Resolution in issuing his September 2, 1999 letter. The statutory language of §336.12, absent anything else, would indicate that the language which was used in Resolution No. 279-1988 be construed as an abandonment and not just a closure to physical vehicular traffic. However, the facts and circumstances indicate otherwise.

In our discussion earlier today, I explained that since I have been doing the road abandonments, we have always used language that differed from that in Resolution No. 279-1988 whenever we wanted to actually abandon all interest in a public right-of-way. In fact, from my research, it appears that since at least 1981, the language that the County has used in its resolutions to effect or cause an abandonment has been the following language:

"That said Board hereby renounces and disclaims any right of the County and the public in and to the following described street, alley-way, road or highway...." I am providing to you, as enclosures, a copy of Resolution No. 106-1981 along with the accompanying paperwork which is sent to the road abandonment petitioner after the completion of the County responsibility and advising the petitioner of the need for these documents to be recorded in order to clear title to the right-of-way. Additional documentation is enclosed to show that in 1987 and in 1988 other abandonments of rights-of-way were accomplished by using the same language, to-wit:

Mayor Dixie Spehar
March 28, 2003
Page Two

Re: First Avenue, Stock Island

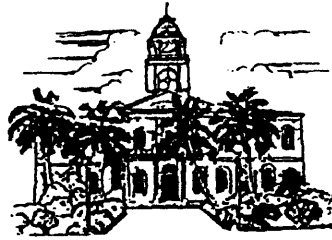
“renounces and disclaims any right of the County and the public in and to the following described road (Res. No. 477-1988)” and “renounces and disclaims any right of the County and the public in and to the following described streets, alley-ways, roads or highways (Res. No. 270-1987).” I am attaching with Resolution No. 477-1988 a copy of the letter to the petitioner telling him to file the proofs of publication of notice (of public hearing and of adoption of Resolution) and a certified copy of the Resolution with the Clerk of Court. Attached to Resolution 270-1987 is a similar letter. In both cases, you can see that the petitioner was also provided with the proofs of publication, but that seemed to be unnecessary paperwork for our purposes.

The language used in Resolution No. 279-1988 is “*that the Board hereby closes* a portion of the following described street, alley-way, road or highway...” (Emphasis added.) The language is distinct from that used in all of those abandonment resolutions where the petitioners were informed to file copies of the Resolution of Abandonment along with the proofs of notice in the Official Records of the County. I would add that there is in my file, and a copy is attached, a copy of a memorandum from Dent Pierce to Captain Brown, then County Administrator, requesting permission to advertise for road closure. That memo specifies that a request was received to “close off a section of First Avenue on Stock Island due to severe problems with illegal dumping, derelict vehicles, drug usage and vagrancy.” The memo further goes on to say that “we would like to block off” a specified section. Also enclosed for your information is a copy of a memo from then Code Enforcement Administrator to the Public Works Director, Dent Pierce, stating that Code Enforcement was constantly receiving complaints and asked that the feasibility of barricading and posting the property be considered.

There is no doubt in my mind from all of the materials just discussed that there was never any intention to abandon the road, but only to close it to public use due to the dumping and illegal activities occurring on the property. It is, at least in my mind, absurd to think that the County should post no trespassing signs on property that it intended to abandon. Since the initiation of this closure was not from the adjacent property owners but from Code Enforcement asking that the property be posted by the County, I have no doubt that this was always intended to be a closure, prohibiting access for the illegal activities which had up to that point taken place on First Avenue.

Please let me know if you have any further questions.

cc: Ervin Higgs, Property Appraiser
John C. Dent, Jr., Esq.



BOARD OF COUNTY COMMISSIONERS


MAYOR Dixie M. Spehar, District 1
Mayor Pro Tem, Murray E. Nelson, District 5
George Neugent, District 2
Charles "Sonny" McCoy, District 3
David P. Rice, District 4

Office of the County Attorney
PO Box 1026
Key West, FL 33041-1026
305/292-3470 - Phone
305/292-3516 - Fax



MEMORANDUM

TO: Mayor Dixie Spehar

FROM: Suzanne A. Hutton 
Assistant County Attorney

DATE: March 20, 2003

SUBJECT: First Avenue, Stock Island

You initiated an inquiry about the abandonment of a segment of a platted right-of-way which, based on the information provided to you, had previously been abandoned. You provided me with a copy of a sketch showing a perpendicular line creating a segment of First Avenue, which commenced approximately 50 feet east of the easterly right-of-way line of First Street and continued to the east. According to Resolution 279-1988, the County closed a portion of First Avenue beginning approximately 50 feet to the east of the intersection of First Avenue and First Street and continuing approximately 170 feet to the dead end of First Avenue. Your inquiry was about the remainder of First Avenue, apparently up to the intersection with First Street. In our conversations, there was discussion about the difference between abandonment vs. closure and your understanding that the adjacent property owner(s) has (have) been taxed on their parcel with increased square footage as the result of Resolution 279-1988.

I finally had an opportunity to go to the Property Appraiser's Office and to the County Deed Records or Official Records of Monroe County. Please be advised of the following:

The date that additional land encompassed in the abandonment was added to the tax rolls has not been conclusively determined. The Property Appraiser's Office staff with whom I discussed the matter indicated it was possible that it may have been 1988 but could have been 2000 or 2001. They will have to conduct some research to give me a definitive answer. However, it is my interpretation of the governing statute that the placement on the tax roll, regardless of time, was in error. According to my research of the Official Records, there was never any recording

Dixie Spehar
First Ave., SI
March 20, 2003
Page 2

therein of the Resolution or of the public notices required by §336.10, Florida Statutes. A difference of opinion already exists as to the effect of the Resolution language. I wrote a memorandum on June 28, 1994, to Joyce Henson at the Property Appraiser's Office, stating the road was closed but not abandoned. John Dent, attorney for the Property Appraiser, has opined that the language used in the Resolution effected an abandonment of any interest the County had. Regardless of the interpretations of the Resolution, the State Statutes require that a very specific procedure be followed in order to accomplish the abandonment or vacation of the County's (or public's) interest in the platted road. Under §336.10, in order to accomplish the abandonment of the road, it is required that there be a public hearing, that there be notice of said hearing published at least two weeks prior to the date of the hearing in a newspaper of general circulation in the county, a Resolution duly adopted and entered upon the minutes of the commissioners after such public hearing, notice of the adoption of the Resolution published at least one time within 30 days after its adoption in a newspaper of general circulation in the county, and recordation in the County's deed records (Official Records), proof of both publications, plus the Resolution. The statutory procedure was not followed as the Resolution and proofs of notice were not recorded in the County's Official Records. By copy of this memo to the Property Appraiser, I hope that Mr. Dent will revisit this issue for purposes of the tax roll, because it appears that the materials from which he rendered his opinion did not disclose that there was no recording in the official records.

Accordingly, it is my opinion that Resolution 279-1988 did no more than close the road to traffic and did not result in an abandonment or vacation of the County's (or public's) interest in said right-of-way. Inasmuch as the absence of recording pursuant to the statute resulted in only authority to physically close the road to vehicular traffic, it would be inappropriate and contrary to County policy to abandon the segment of First Avenue adjacent to Lot 20 as it is identified on the sketch which you provided to me.

If you have any questions, please feel free to call.

cc: Ervin Higgs



BOARD OF COUNTY COMMISSIONERS

MAYOR, Jack London, District 2
Mayor Pro Tem, A Earl Cheal, District 4
Wilhelmina Harvey, District 1
Shirley Freeman, District 3
Mary Kay Reich, District 5

County Attorney
310 Fleming Street
Key West, FL 33040
(305) 292-3470



M E M O R A N D U M

DATE: June 28, 1994
TO: Joyce Henson
Property Appraiser's office
FROM: Suzanne A. Hutton *SAH*
Assistant County Attorney
RE: First Avenue - Stock Island

You requested information from the County Attorney's office concerning the closure of First Avenue, Stock Island, Monroe County, Florida, per BOCC Resolution No. 279-1988. That resolution did not use the language customarily utilized by the County in abandoning and vacating a road, thereby relinquishing all interest of the County therein. Rather, Resolution No. 279-1988 provided only that "The Board hereby closes a portion of the following described street"

Although abandonment and closure of roads are required by the same statute to follow the same procedures, there is a distinction between abandonment and closure. See Seaside Properties, Inc. v. State Road Department, 190 So.2d 391 (Fla. 1966); Bouldin v. Okaloosa County, 580 So.2d 205 (Fla. 1st DCA 1991). The County only closed the road and never indicated in its resolution any intent to vacate or abandon the road and relinquish interest therein. Further, the background information which gave rise to the closure was a request from the County's Code Enforcement Department due to "illegal dumping, derelict vehicles, drug uses and vagrancy" in that area. In a memorandum from the Assistant County Administrator for the Public Works Division to the County Attorney, May 6, 1988, a request was made to block off a portion of First Avenue, but there was no request for relinquishing the County's interest therein.

Accordingly, it is my opinion that the resolution did no more than authorize the County Public Works to place barriers on the right-of-way to discontinue the use of that portion of First Avenue which was closed by the resolution. At such time as the County finds that it is necessary to reopen the road, it could do so.

If you have any questions, please feel free to call.

SAH/jeh



Danny L. Kolhage

BRANCH OFFICE
3117 OVERSEAS HIGHWAY
MARATHON, FLORIDA 33050
TEL. (305) 743-9036

CLERK OF THE CIRCUIT COURT
MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FLORIDA 33040
TEL. (305) 294-4641

BRANCH OFFICE
P.O. BOX 379
PLANTATION KEY, FLORIDA 33070
TEL. (305) 852-9253

M E M O R A N D U M

To: Lucien Proby, County Attorney
From: Danny L. Kolhage, Clerk
Subject: Resolution No. 279-1988
Date: July 11, 1988

On July 5, 1988, the Board of County Commissioners adopted Resolution No. 279-1988 closing a portion of the following described street, alley way, road or highway:

a portion of First Avenue beginning approximately 50 feet to the east of the intersection of First Avenue and First Street and continuing approximately 170 feet to the deadend of First Avenue, Stock Island, Monroe County.

Attached are three certified copies of the subject Resolution for your use and records.


Rosalie L. Connolly
Deputy Clerk

Attachments

cc: Mayor Lytton
County Administrator
Property Appraiser
Tax Collector
Asst. Co. Admin. - Public Works
File

Monroe County Commission

RESOLUTION NO. 279 -1988

WHEREAS, the Board of County Commissioners of Monroe County, Florida, desires to close a portion of the hereinafter described street, alley-way, road or highway, and

WHEREAS, due notice was published and a public hearing was held on July 5, 1988, and

WHEREAS, at said public hearing no objections were made to the closing of a portion of the hereinafter described street, alley-way, road or highway as delineated on the hereinafter described map or plat, now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the Board hereby closes a portion of the following described street, alley-way, road or highway as delineated on the hereinafter described map or plat, to-wit:

a portion of First Avenue beginning approximately 50 feet to the east of the intersection of First Avenue and First Street and continuing approximately 170 feet to the deadend of First Avenue, Stock Island, Monroe County, Florida.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 5th day of July, A.D. 1988.

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: Eugene J. Fitts, Jr.
MAYOR/CHAIRMAN

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

Daniel L. Kennedy, D.C.
CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY [Signature]
Attorney's Office

FK & H**FELDMAN KOENIG & HIGHSMITH, P.A.**
ATTORNEYS AT LAWROBERT T. FELDMAN
TIMOTHY J. KOENIG
ROBERT E. HIGHSMITH
DAVID VAN LOON3158 NORTHSIDE DRIVE
KEY WEST, FLORIDA 33040
TELEPHONE (305) 296-8851
FACSIMILE (305) 296-8575**FAX COVER SHEET**

To: **Suzanne Hutton, Esquire** From: **John Marston, Esquire**
Fax: Pages:
Phone: Date: **5/8/06**
Re: **1st Avenue Abandonment** cc.

RECEIVED
MAY 08 2006
MONROE COUNTY ATTORNEY

☒ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Suzanne,***In follow up to your letter of May 3, please see attached letter of no objection from neighbor Eadeh Bush Company, LLC. Thank you. John***

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE US POSTAL SERVICE.

Eadeh Bush Company, LLC

12 Driftwood Dr. - Key West, FL 33040

305/296-0270 phone

305/292-5496 fax

May 9, 2005

Monroe County Government

Re: Abandonment of 1st Avenue on Stock Island

Dear Sirs:

As an adjacent property owner at 6325 First Street, we have no objection to the abandonment and closure of the east end of 1st Avenue.

If there are any questions, please call.

Respectfully yours,

Eadeh Bush Company, LLC



Bush Sneed, PE

RBS/bs

cc: Dan Hamilton



BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4
Dixie M. Spehar, District 1

Office of the County Attorney
502 Whitehead Street, 3rd Floor, (Rear)
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470



May 3, 2006

Mr. John Marston, Esq., Agent for:
Daniel Hamilton, Petitioner
Feldman, Koenig & Highsmith, P.A.
3158 Northside Drive
Key West, FL 33040

RE: Road Abandonment, First Avenue on Stock Island

Dear Sirs:

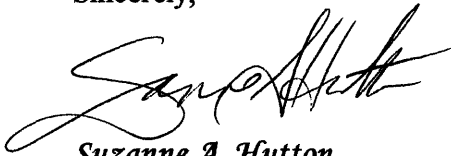
Your letters committing on behalf of your client to an easement have been received. I have not noticed any letter of no objection from Eadeh Bush Company LLC, which appears to own the property on the other side of the road. Since the requested road abandonment appears to encompass an area affecting that owner, a letter of no objection would be needed. Also, they would have to join in the agreement to the 30 foot wide easement unless all of the 30 feet would be on the south side of the centerline. I hope I have missed the letter of no objection from the Eadeh Bush Company in the file and that it has already been submitted as indicated by the Planning Department. It is difficult to believe we could have got to this stage without it being produced.

At any rate, assuming there is such a letter and there is either an agreement for all of the easement to be on Parcel 2, or both property owners agree to the conditional approval and provide a survey of the easement area, we could place a request for public hearing on the BOCC agenda. Normally, a resolution of abandonment would not be executed until the required easement is recorded. However, please note the attached Planning Department recommendation to deny the petition based on the termination of the platted road in water and the Code prohibition against abandonment, as well as the inconsistency of abandonment with Goal 213. With such a recommendation, the likelihood of a resolution of abandonment is extremely low.

Mr. John Marston, Esq., Agent for:
Daniel Hamilton, Petitioner
May 3, 2006
Page Two

While the §16-1(a), MCC, prohibition of abandoning a right-of-way terminating on an open body of water was interpreted many years ago to distinguish platted versus built and water with access versus water with no access (due to dense mangroves), those distinctions have not been considered for roughly ten years. When the Planning Department has recommended denial in the past, the petitioner has had to commit to payment of the costs of advertising the public hearing regardless of the outcome of the hearing. I will have to check the prior such situation to see if a deposit was required if you wish to proceed notwithstanding the recommendation. Please call if you have any questions.

Sincerely,



Suzanne A. Hutton
County Attorney

SAH:kmp

Enclosures

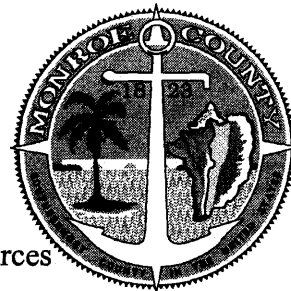
cc: Planning Director ✓
County Engineer
Fire Marshall

RECEIVED

MAY 01 2006

MONROE COUNTY ATTORNEY

MEMORANDUM



TO: Suzanne Hutton, County Attorney

THROUGH: Aref Joulani, Director of Planning & Environmental Resources

FROM: Joseph Haberman, Planner
Timothy Richard, Senior Planning Technician

DATE: April 26, 2006

SUBJECT: Request for road abandonment by Tim Koenig on behalf of Boyd's Campground, Ltd.

REQUEST:

Boyd's Campground, Ltd., property owner of Real Estate Number 00125670.000000, has requested the abandonment of a portion of First Avenue in Maloney Subdivision, Stock Island, Florida.

The Boyd's Campground property is within a Recreational Vehicle (RV) land use district. The property is developed with recreational vehicle spaces, campground spaces, commercial buildings and accessory structures.

Roadway Description

The portion of First Avenue which is the subject of the request is shown in Plat Book 1, Page 55 of the Public Records of Monroe County. The segment of First Avenue in question lies to the North of the Boyd's Campground property, to the East of First Street, to the South of a residential property owned by Eadeh Bush Company, and to the West of Boca Chica Channel. The subject segment has been cleared, but there is no evidence that any pavement has ever been laid. The subject segment is blocked off from traffic and is accessible by a locked gate.

Use of the Road

No permitted use of the subject segment of First Avenue was located by Planning Staff. However, it is being used currently for the storage of numerous trailers and boats.

Development Potential

At this time, it appears unlikely that the subject segment of First Avenue would be reopened to traffic. If the right-of-way were to be abandoned, it could serve as an extension to Boyd's Campground development.

Shoreline Access

The subject segment of First Avenue terminates at the open waters of the Boca Chica Channel.

Staff Review

A review of the records and an on site inspection of the property revealed the following:

1. The subject segment of First Avenue has been cleared, but the original platted roadbed shows no signs of ever having been completed.
2. The applicant has received a letter from Bush Sneed of the Eadeh Bush Company, the only other contiguous property owner to the right-of-away in question, stating that he has no objection to proposed abandonment.
3. The subject segment of First Avenue terminates on the open waters of the Boca Chica Channel. Pursuant to Monroe County Code Sec. 16-1, "no dedicated and accepted right-of-away in the county can be abandoned where the right-of-away terminates on a body of open water." Further, pursuant to Goal 213 of the Monroe County Year 2010 Comprehensive Plan, the county shall ensure adequate public access to the shoreline. Objective 213.1 specifies that the county shall "maintain and increase the amount of public access to the beach or shoreline consistent with the estimated public need and environmental constraints."

CONCLUSION:

Planning Staff recommends denial of the request by Boyd's Campground, Ltd. for a road abandonment of a portion of First Avenue based on the following:

1. The road terminates on a body of water, and thereby is not consistent with Goal 213 of the Monroe County Year 2010 Comprehensive Plan or Sec. 16-1 of the Monroe County Code.



BOARD OF COUNTY COMMISSIONERS
Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4
Dixie M. Spehar, District 1

Office of the County Attorney
502 Whitehead Street, Rear
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470



MEMORANDUM

TO: Dave Koppel, County Engineer
Clark Martin, Fire Chief

FROM: Kathy Peters, Paralegal/Administrative Liaison *KMP*
County Attorney's Office

RE: Road Abandonment Petition Review: Portion of First Avenue, Stock Island
(Boyd's Campground)

DATE: May 2, 2006

Enclosed please find a copy of the response received by this office from the Planning Department recommending denial of the request by Boyd's Campground, Ltd. in the above-referenced Road Abandonment Petition.

Thank you.

SAHkmp:

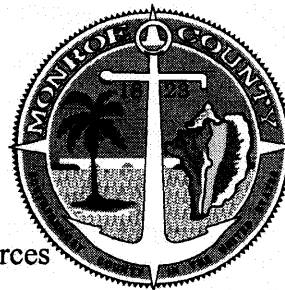
Enclosures

RECEIVED

MAY 01 2006

MONROE COUNTY ATTORNEY

MEMORANDUM



TO: Suzanne Hutton, County Attorney

THROUGH: Aref Joulani, Director of Planning & Environmental Resources

FROM: Joseph Haberman, Planner
Timothy Richard, Senior Planning Technician

DATE: April 26, 2006

SUBJECT: Request for road abandonment by Tim Koenig on behalf of Boyd's Campground, Ltd.

REQUEST:

Boyd's Campground, Ltd., property owner of Real Estate Number 00125670.000000, has requested the abandonment of a portion of First Avenue in Maloney Subdivision, Stock Island, Florida.

The Boyd's Campground property is within a Recreational Vehicle (RV) land use district. The property is developed with recreational vehicle spaces, campground spaces, commercial buildings and accessory structures.

Roadway Description

The portion of First Avenue which is the subject of the request is shown in Plat Book 1, Page 55 of the Public Records of Monroe County. The segment of First Avenue in question lies to the North of the Boyd's Campground property, to the East of First Street, to the South of a residential property owned by Eadeh Bush Company, and to the West of Boca Chica Channel. The subject segment has been cleared, but there is no evidence that any pavement has ever been laid. The subject segment is blocked off from traffic and is accessible by a locked gate.

Use of the Road

No permitted use of the subject segment of First Avenue was located by Planning Staff. However, it is being used currently for the storage of numerous trailers and boats.

Development Potential

At this time, it appears unlikely that the subject segment of First Avenue would be reopened to traffic. If the right-of-way were to be abandoned, it could serve as an extension to Boyd's Campground development.

Shoreline Access

The subject segment of First Avenue terminates at the open waters of the Boca Chica Channel.

Staff Review

A review of the records and an on site inspection of the property revealed the following:

1. The subject segment of First Avenue has been cleared, but the original platted roadbed shows no signs of ever having been completed.
2. The applicant has received a letter from Bush Sneed of the Eadeh Bush Company, the only other contiguous property owner to the right-of-away in question, stating that he has no objection to proposed abandonment.
3. The subject segment of First Avenue terminates on the open waters of the Boca Chica Channel. Pursuant to Monroe County Code Sec. 16-1, "no dedicated and accepted right-of-away in the county can be abandoned where the right-of-away terminates on a body of open water." Further, pursuant to Goal 213 of the Monroe County Year 2010 Comprehensive Plan, the county shall ensure adequate public access to the shoreline. Objective 213.1 specifies that the county shall "maintain and increase the amount of public access to the beach or shoreline consistent with the estimated public need and environmental constraints."

CONCLUSION:

Planning Staff recommends denial of the request by Boyd's Campground, Ltd. for a road abandonment of a portion of First Avenue based on the following:

1. The road terminates on a body of water, and thereby is not consistent with Goal 213 of the Monroe County Year 2010 Comprehensive Plan or Sec. 16-1 of the Monroe County Code.

F K & H

FELDMAN KOENIG & HIGHSMITH, P.A.
ATTORNEYS AT LAW

ROBERT T. FELDMAN
TIMOTHY J. KOENIG
ROBERT E. HIGHSMITH
DAVID VAN LOON

3158 NORTHSIDE DRIVE
KEY WEST, FLORIDA 33040
TELEPHONE (305) 296-8851
FACSIMILE (305) 296-8575

April 4, 2006

Suzanne A. Hutton, Esquire
Assistant County Attorney
502 Whitehead Street
Key West, FL 33042

Re: Abandonment of 1st Avenue

Dear Suzanne:

I've enclosed the applicant's letter of assent to the Fire Marshall's conditional approval, along with other relevant materials that may have been misplaced from your file, according to a telephone conversation I had a couple of weeks ago with a member of your staff.

I would be most grateful to learn that this matter will be placed on the next available agenda. Thank you.

Very truly yours,


John Marston

JM:jc
cc: Dan Hamilton, Esquire
encl.

RECEIVED

APR 05 2006

MONROE COUNTY ATTORNEY



BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4
Dixie M. Spehar, District 1

*Office of the County Attorney
502 Whitehead Street, 3rd Floor, (Rear)
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470*



December 9, 2005


Mr. John Marston, Esq., Agent for:
Daniel Hamilton, Petitioner
Feldman, Koenig & Highsmith, P.A.
3158 Northside Drive
Key West, FL 33040

Dear Mr. Marston:

Enclosed please find a copy of the findings and recommendations of the Fire Marshall received by this office December 8, 2005 citing the following conditional approval:

"The aforementioned parcel of property, to be added to the Boyd's Campground property shall not be used for additional Recreational Vehicle, Camper, or tent space. No structures shall be permitted on this parcel, to include storage buildings. Boat trailer storage shall be permitted (subject to Monroe County Code)."

Please provide written documentation that indicates your client is willing to comply with the Fire Marshall's conditions. If further clarification is needed, you may want to contact the Fire Marshall directly. Should you have any question or concerns, please don't hesitate to contact us by phoning (305) 292-3470.

Sincerely,

Kathy M. Peters for:
Suzanne A. Hutton
Assistant County Attorney

KMP/

Enclosure: 12/6/05 Letter from Fire Marshall's Office
cc: Mr. Daniel Hamilton, Petitioner
Planning Director
County Engineer
Fire Marshall



OFFICE of
the FIRE MARSHAL
490 63rd Street
Marathon, FL 33050
PHONE: (305) 289-6010
FAX: (305) 289-6013




BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem, Murray E. Nelson, District 5
George Neugent, District 2
Dixie M. Spehar, District 1
David P. Rice, District 4

MEMORANDUM

TO: Kathy Peters, County Attorney's Office
Clark O. Martin, Jr., Fire Chief
Arthur "Wally" Romero, Assistant Fire Marshal

FROM: Steven M. Zavalney, Captain 

RE: Road Abandonment Petition Review, Portion of First Avenue, Stock Island
(Boyd's Campground)

DATE: December 6, 2005

The Monroe County Fire Marshal's Office has reviewed the road abandonment petition referenced above, and has conducted a site visit.

The Fire Marshal's Office has no objection to the abandonment of this portion of the road, with the following conditions:

The aforementioned parcel of property, to be added to the Boyd's Campground property shall not be used for additional Recreational Vehicle, Camper, or tent space. No structures shall be permitted on this parcel, to include storage buildings. Boat trailer storage shall be permitted (subject to Monroe County Code).

If you are in need of further information, please do not hesitate to call.

RECEIVED

DEC 08 2005

MONROE COUNTY ATTORNEY



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4

County Attorney's Office

P. O. Box 1026
Key West, FL 33041
Phone: (305) 292-3470
Fax: (305) 292-3516



October 12, 2005

Tim Koenig, Esq., Agent for:
Daniel Hamilton, Boyd's Campground
Feldman & Koenig, P.A.
3158 Northside Drive
Key West, FL 33040

Re: Road Abandonment Petition – First Avenue, Stock Island

Dear Mr. Koenig:

Enclosed please find a copy of the findings and recommendations of County Engineer David S. Koppel which states, *"We have no objection to the abandonment of the end of First Avenue provided that we retain an easement adequate for maintenance and eventual reconstruction of our stormwater management system, say 30 feet. Obviously, no structures, fences, etc. should be allowed to be constructed within the easement."*

Please provide written documentation that indicates you are willing to comply with the County Engineer's recommendation on this issue. I understand that you have communicated such a sentiment verbally to Suzanne Hutton. We encourage you to work directly with the County Engineer in your efforts to comply with the conditions set forth in his memorandum of October 11, 2005. Should you have any questions or concerns, please don't hesitate to contact us by phoning (305) 292-3470.

Sincerely,


Kathy M. Peters for:

Suzanne A. Hutton
Assistant County Attorney

SAHkmp:
Enclosure

cc: Mr. Daniel Hamilton, Boyd's Campground
Marlene Conaway, Planning Director
Dave Koppel, County Engineer
Clark Martin, Fire Chief


RECEIVED

OCT 12 2005

MONROE COUNTY ATTORNEY

MEMORANDUM

TO: Kathy Peters, Paralegal/Administrative Liaison
County Attorney's Office

FROM: David S. Koppel
County Engineer 

DATE: October 11, 2005

RE: First Avenue, Stock Island

We would have no objection to the abandonment of the end of First Avenue provided that we retain an easement adequate for maintenance and eventual reconstruction of our stormwater management system, say 30 feet. Obviously, no structures, fences, etc. should be allowed to be constructed within the easement. As far as whether the road runs to open water, I would say that the County's previous action of road closure now prevents said road from running to open water. Given the original justification for closure as indicated in your Feb. 5, 2004 memo, it would appear unlikely that the road would ever be reopened.

Please let me know if you have any questions regarding this matter.

DSK/jl
FirstAve.RdAbandKathyPeters.DOC

F K & H

FELDMAN KOENIG & HIGHSMITH, P.A.
ATTORNEYS AT LAW

ROBERT T. FELDMAN
TIMOTHY J. KOENIG
ROBERT E. HIGHSMITH
DAVID VAN LOON

3158 NORTHSIDE DRIVE
KEY WEST, FLORIDA 33040
TELEPHONE (305) 296-8851
FACSIMILE (305) 296-8575

November 8, 2004

Suzanne A. Hutton, Esquire
Assistant County Attorney
502 Whitehead Street
Key West, FL 33042

Re: Abandonment of 1st Avenue

Dear Ms. Hutton:

Thank you for your letter of October 12, 2004.

Our client will agree to let the county retain the easement referred to in that letter, but suggests, if possible, that the county reconsider if a full thirty feet is required. We have no objection to that - we were merely wondering aloud if it could be less wide.

Thank you.

Very truly yours,

John Marston

TJK:jm
cc: Dan Hamilton, Esquire

cc: David Kopper

F K & H

FELDMAN KOENIG & HIGHSMITH, P.A.
ATTORNEYS AT LAW

ROBERT T. FELDMAN
TIMOTHY J. KOENIG
ROBERT E. HIGHSMITH
DAVID VAN LOON

3158 NORTHSIDE DRIVE
KEY WEST, FLORIDA 33040
TELEPHONE (305) 296-8851
FACSIMILE (305) 296-8575

November 8, 2004

Suzanne A. Hutton, Esquire
Assistant County Attorney
502 Whitehead Street
Key West, FL 33042

Re: Abandonment of 1st Avenue

Dear Ms. Hutton:

Thank you for your letter of October 12, 2004.

Our client will agree to let the county retain the easement referred to in that letter, but suggests, if possible, that the county reconsider if a full thirty feet is required. We have no objection to that - we were merely wondering aloud if it could be less wide.

Thank you.

Very truly yours,


John Marston

TJK:jm
cc: Dan Hamilton, Esquire



BOARD OF COUNTY COMMISSIONERS

MAYOR Murray E. Nelson, District 5
Mayor Pro Tem, David P. Rice, District 4
Dixie M. Spehar, District 1
George Neugent, District 2
Charles "Sonny" McCoy, District 3



Office of the County Attorney
PO Box 1026
Key West, FL 33041-1026
305/292-3470 - Phone
305/292-3516 - Fax

August 3, 2004

Timothy J. Koenig, Esq.
Feldman, Koenig & Highsmith, P.A.
3158 Northside Drive
Key West, FL 33040

RE: Abandonment of First Avenue, Stock Island

Dear Tim:

Enclosed is a road abandonment petition with instructions which should be initiated to proceed with the abandonment of First Avenue. As you know, a major portion of the road was previously closed and a number of people, including the property owners assumed that constituted an abandonment. You may wish to reference the prior County Commission action and the fact of the obstructions place on the right-of-way to preclude the public from using the right-of-way to access the water. Further, it is clear that at the very least, a stormwater drainage easement will have to be retained by the County with access for maintenance and repairs and which would preclude placement of any structures or plantings in the easement area. I am not sure exactly where the easement should be located, and a metes and bounds description will be necessary. You may wish to contact the Engineering Department (292-4426) to see if they have a metes and bounds description already on file. Otherwise, it would be the obligation of the petitioners to provide an appropriate survey and legal description of the easement as well as the road to be abandoned.

If you have any questions, please feel free to call.

Sincerely,


Suzanne A. Hutton
Assistant County Attorney

SAH/dct

Enclosure

cc: David Koppel

Daniel H. Hamilton

Attorney at Law

(305) 296-5799

22 Evergreen Terrace
Key West, FL 33040
squiredan@aol.com

(305) 296-6663 (fax)

March 22, 2006

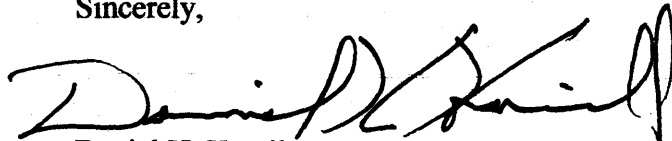
Ms. Suzanne Hutton
Monroe County Attorney
502 Whitehead Street
P.O.Box 1026
Key West, FL 33041

RE: Road Abandonment, First Avenue on Stock Island

Dear Ms. Hutton:

I wish to confirm our agreement that Monroe County will retain a thirty foot drainage easement down the center of the former road at First Avenue. To allay any of the Fire Marshall's concerns, we will of course immediately comply with all existing fire safety regulations and requirements and access to the property is always available through the usual campground entrance.

Sincerely,



Daniel H. Hamilton
Boyd's Key West Campground, Inc.

DHH/dhh

RECEIVED

MAR 27 2006

MONROE COUNTY ATTORNEY



BOARD OF COUNTY COMMISSIONERS
Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4
Dixie M. Spehar, District 1

Office of the County Attorney
502 Whitehead Street, 3rd Floor, (Rear)
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470



December 9, 2005


Mr. John Marston, Esq., Agent for:
Daniel Hamilton, Petitioner
Feldman, Koenig & Highsmith, P.A.
3158 Northside Drive
Key West, FL 33040

Dear Mr. Marston:

Enclosed please find a copy of the findings and recommendations of the Fire Marshall received by this office December 8, 2005 citing the following conditional approval:

"The aforementioned parcel of property, to be added to the Boyd's Campground property shall not be used for additional Recreational Vehicle, Camper, or tent space. No structures shall be permitted on this parcel, to include storage buildings. Boat trailer storage shall be permitted (subject to Monroe County Code)."

Please provide written documentation that indicates your client is willing to comply with the Fire Marshall's conditions. If further clarification is needed, you may want to contact the Fire Marshall directly. Should you have any question or concerns, please don't hesitate to contact us by phoning (305) 292-3470.

Sincerely,

Kathy M. Peters for:
Suzanne A. Hutton
Assistant County Attorney

KMP/

Enclosure: 12/6/05 Letter from Fire Marshall's Office

cc: Mr. Daniel Hamilton, Petitioner
Planning Director
County Engineer
Fire Marshall



OFFICE of
the FIRE MARSHAL
490 63rd Street
Marathon, FL 33050
PHONE: (305) 289-6010
FAX: (305) 289-6013




BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem, Murray E. Nelson, District 5
George Neugent, District 2
Dixie M. Spehar, District 1
David P. Rice, District 4

MEMORANDUM

TO: Kathy Peters, County Attorney's Office
Clark O. Martin, Jr., Fire Chief
Arthur "Wally" Romero, Assistant Fire Marshal

FROM: Steven M. Zavalney, Captain 

RE: Road Abandonment Petition Review, Portion of First Avenue, Stock Island
(Boyd's Campground)

DATE: December 6, 2005

The Monroe County Fire Marshal's Office has reviewed the road abandonment petition referenced above, and has conducted a site visit.

The Fire Marshal's Office has no objection to the abandonment of this portion of the road, with the following conditions:

The aforementioned parcel of property, to be added to the Boyd's Campground property shall not be used for additional Recreational Vehicle, Camper, or tent space. No structures shall be permitted on this parcel, to include storage buildings. Boat trailer storage shall be permitted (subject to Monroe County Code).

If you are in need of further information, please do not hesitate to call.

RECEIVED

DEC 08 2005

MONROE COUNTY ATTORNEY



BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4
Dixie M. Spehar, District 1

*Office of the County Attorney
502 Whitehead Street, Rear
Post Office Box 1026
Key West, FL 33041-1026*



MEMORANDUM

TO: AREF JOULANI, ACTING PLANNING DIRECTOR

FROM: KATHY PETERS FOR: SUZANNE HUTTON
COUNTY ATTORNEY *Kathy Peters*

RE: STATUS OF REVIEW AND RECOMMENDATION RE:
ROAD ABANDONMENT PETITION: PORTION OF FIRST AVENUE, STOCK ISLAND
BOYD'S CAMPGROUND

DATE: MARCH 27, 2006

A review of our file indicates we have not yet received your findings and recommendation regarding the above-referenced Road Abandonment Petition which was forwarded to Ms. Marlene Conaway, former Planning Director, on October 7, 2005. We have received notification providing conditional approval from both the Fire Marshall and the County Engineer, both of which were copied to you, and are awaiting your response.

Please provide your findings and recommendation as to this Petition as soon as possible. If we have overlooked receipt of your documentation, we would request your forwarding a copy of your recommendation for our file. Thank you for your support and cooperation in this matter.

KMP:

Enclosures

cc: Daniel H. Hamilton, Attorney at Law – Petitioner
Mr. John Marston, Agent for Petitioner

F K & H

FELDMAN KOENIG & HIGHSMITH, P.A.
ATTORNEYS AT LAW

ROBERT T. FELDMAN
TIMOTHY J. KOENIG
ROBERT E. HIGHSMITH
DAVID VAN LOON

3158 NORTHSIDE DRIVE
KEY WEST, FLORIDA 33040
TELEPHONE (305) 296-8851
FACSIMILE (305) 296-8575

February 16, 2006

Suzanne A. Hutton, Esquire
Assistant County Attorney
502 Whitehead Street
Key West, FL 33042

Re: Abandonment of 1st Avenue

Dear Suzanne:

I'm trying to determine if this matter is ready to be placed on the agenda for the BOCC. If there is still something that needs to be done, please let me know so I can finalize this matter for our client.

Thank you.

Very truly yours,

JM:jc
cc: Dan Hamilton, Esquire


John Marston

RECEIVED

FEB 17 2006

MONROE COUNTY ATTORNEY



BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4
Dixie M. Spehar, District 1

Office of the County Attorney
502 Whitehead Street, 3rd Floor, (Rear)
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470



December 9, 2005

Mr. John Marston, Esq., Agent for:
Daniel Hamilton, Petitioner
Feldman, Koenig & Highsmith, P.A.
3158 Northside Drive
Key West, FL 33040

Dear Mr. Marston:

Enclosed please find a copy of the findings and recommendations of the Fire Marshall received by this office December 8, 2005 citing the following conditional approval:

"The aforementioned parcel of property, to be added to the Boyd's Campground property shall not be used for additional Recreational Vehicle, Camper, or tent space. No structures shall be permitted on this parcel, to include storage buildings. Boat trailer storage shall be permitted (subject to Monroe County Code)."

Please provide written documentation that indicates your client is willing to comply with the Fire Marshall's conditions. If further clarification is needed, you may want to contact the Fire Marshall directly. Should you have any question or concerns, please don't hesitate to contact us by phoning (305) 292-3470.

Sincerely,

Kathy M. Peters for:
Suzanne A. Hutton
Assistant County Attorney

KMP/

Enclosure: 12/6/05 Letter from Fire Marshall's Office

cc: Mr. Daniel Hamilton, Petitioner
Planning Director
County Engineer
Fire Marshall



OFFICE of
the FIRE MARSHAL
490 63rd Street
Marathon, FL 33050
PHONE: (305) 289-6010
FAX: (305) 289-6013




BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem, Murray E. Nelson, District 5
George Neugent, District 2
Dixie M. Spehar, District 1
David P. Rice, District 4

MEMORANDUM

TO: Kathy Peters, County Attorney's Office
Clark O. Martin, Jr., Fire Chief
Arthur "Wally" Romero, Assistant Fire Marshal

FROM: Steven M. Zavalney, Captain 

RE: Road Abandonment Petition Review, Portion of First Avenue, Stock Island
(Boyd's Campground)

DATE: December 6, 2005

The Monroe County Fire Marshal's Office has reviewed the road abandonment petition referenced above, and has conducted a site visit.

The Fire Marshal's Office has no objection to the abandonment of this portion of the road, with the following conditions:

The aforementioned parcel of property, to be added to the Boyd's Campground property shall not be used for additional Recreational Vehicle, Camper, or tent space. No structures shall be permitted on this parcel, to include storage buildings. Boat trailer storage shall be permitted (subject to Monroe County Code).

If you are in need of further information, please do not hesitate to call.

RECEIVED

DEC 08 2005

MONROE COUNTY ATTORNEY



BOARD OF COUNTY COMMISSIONERS
Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4
Dixie M. Spehar, District 1

Office of the County Attorney
502 Whitehead Street, Rear
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470



MEMORANDUM

TO: Marlene Conaway, Planning Director
Dave Koppel, County Engineer
Clark Martin, Fire Chief

FROM: Kathy Peters, Paralegal/Administrative Liaison *Kathy*
County Attorney's Office

RE: Road Abandonment Petition Review: Portion of First Avenue, Stock Island
(Boyd's Campground)

DATE: November 22, 2005

Enclosed please find a copy of the response received by this office from the Petitioner in the above-referenced Road Abandonment Petition, indicating they would agree to the conditions for approval cited by the County Engineer, *"We have no objection to the abandonmen.... provided that we retain an easement adequate for maintenance and eventual reconstruction of our stormwater management system, say 30 feet. Obviously, no structures, fences, etc. should be allowed to be constructed within the easement."* The Petitioner inquired, however, if the easement to be retained by the County *"..could be less wide.."* which should appropriately be addressed by staff.

Thank you.

KMP/

Enclosures: 11/8/05 letter from Petitioner

F K & H

FELDMAN KOENIG & HIGHSMITH, P.A.
ATTORNEYS AT LAW

ROBERT T. FELDMAN
TIMOTHY J. KOENIG
ROBERT E. HIGHSMITH
DAVID VAN LOON

3158 NORTHSIDE DRIVE
KEY WEST, FLORIDA 33040
TELEPHONE (305) 296-8851
FACSIMILE (305) 296-8575

November 8, 2004

Suzanne A. Hutton, Esquire
Assistant County Attorney
502 Whitehead Street
Key West, FL 33042

Re: Abandonment of 1st Avenue

Dear Ms. Hutton:

Thank you for your letter of October 12, 2004.

Our client will agree to let the county retain the easement referred to in that letter, but suggests, if possible, that the county reconsider if a full thirty feet is required. We have no objection to that - we were merely wondering aloud if it could be less wide.

Thank you.

Very truly yours,


John Marston

TJK:jm
cc: Dan Hamilton, Esquire

RECEIVED

NOV 16 2005

MONROE COUNTY ATTORNEY


RECEIVED

OCT 12 2005

MONROE COUNTY ATTORNEY

MEMORANDUM

TO: Kathy Peters, Paralegal/Administrative Liaison
County Attorney's Office

FROM: David S. Koppel 
County Engineer

DATE: October 11, 2005

RE: First Avenue, Stock Island

We would have no objection to the abandonment of the end of First Avenue provided that we retain an easement adequate for maintenance and eventual reconstruction of our stormwater management system, say 30 feet. Obviously, no structures, fences, etc. should be allowed to be constructed within the easement. As far as whether the road runs to open water, I would say that the County's previous action of road closure now prevents said road from running to open water. Given the original justification for closure as indicated in your Feb. 5, 2004 memo, it would appear unlikely that the road would ever be reopened.

Please let me know if you have any questions regarding this matter.

DSK/jl

FirstAve.RdAbandKathyPeters.DOC

MEMORANDUM

TO: Kathy Peters, Paralegal/Administrative Liaison
County Attorney's Office

FROM: David S. Koppel
County Engineer



DATE: October 11, 2005

RE: First Avenue, Stock Island

RECEIVED

OCT 12 2005

MONROE COUNTY ATTORNEY

We would have no objection to the abandonment of the end of First Avenue provided that we retain an easement adequate for maintenance and eventual reconstruction of our stormwater management system, say 30 feet. Obviously, no structures, fences, etc. should be allowed to be constructed within the easement. As far as whether the road runs to open water, I would say that the County's previous action of road closure now prevents said road from running to open water. Given the original justification for closure as indicated in your Feb. 5, 2004 memo, it would appear unlikely that the road would ever be reopened.

Please let me know if you have any questions regarding this matter.

DSK/jl
FirstAve.RdAbandKathyPeters.DOC



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem "Sonny" McCoy, District 3
Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4

Office of the County Attorney
502 Whitehead Street, Rear
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470



MEMORANDUM

TO: Marlene Conaway, Planning Director
Dave Koppel, County Engineer
Clark Martin, Fire Chief

FROM: Kathy Peters, Paralegal/Administrative Liaison
County Attorney's Office

RE: Road Abandonment Petition Review: Portion of First Avenue, Stock Island
(Boyd's Campground)

DATE: October 7, 2005

Please review the enclosed above-referenced Road Abandonment Petition, received by this office on October 5, 2005, and provide your written findings and recommendation at your earliest convenience. Please ensure a record is maintained of all time spent by yourself and your staff on this matter.

For your information, the BOCC closed this road about twenty years ago to be able to put up a barrier to deter drug-dealing and other illegal activity. Approximately eight years ago, the Property Appraiser added the property underlying the right-of-way to the adjacent property owners' taxable property, treating the closure as an abandonment. Last year the right-of-way property was removed from the adjacent property owners' taxable property due to a clarification that the BOCC had only closed, not abandoned, the road.

Thank you.

KMP/

Enclosures: Road Abandonment Petition - *Portion of First Avenue, Stock Island (Boyd's Campground)*

**BOARD OF COUNTY COMMISSIONERS**

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem "Sonny" McCoy, District 3
Murray E. Nelson, District 5
George Neugent, District 2
David P. Rice, District 4

Office of the County Attorney
502 Whitehead Street, Rear
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470

**MEMORANDUM**

TO: Ginger Campbell, Finance Department

FROM: Kathy Peters, County Attorney's Office *Kathy Peters*

RE: Road Abandonment Petition – Portion of First Avenue, Stock Island (Boyd's Campground)
Submission of Petition Fee

DATE: October 7, 2005

Enclosed please find *Check No. 14589* dated September 2, 2005 made payable to Monroe County in the amount of \$500 received by this office from the Petitioner in the above-referenced Road Abandonment Petition.

Please deposit the enclosed check in the appropriate account. Should you have any questions or concerns, please feel free to contact Assistant County Attorney Suzanne Hutton or myself by phoning (305) 292-3470.

KMP/

Enclosure (Check No. 14589)

BOYD'S KEY WEST 12-87
CAMPGROUND, INC.
PH. 305-294-1465
6401 MALONEY AVE.
STOCK ISLAND, KEY WEST, FL 33040

14589

Date 9-2-05

63-27/631 FL
827

Pay to the order of Monroe County \$ 500.00
Five hundred & 00/100 Dollars

Bank of America

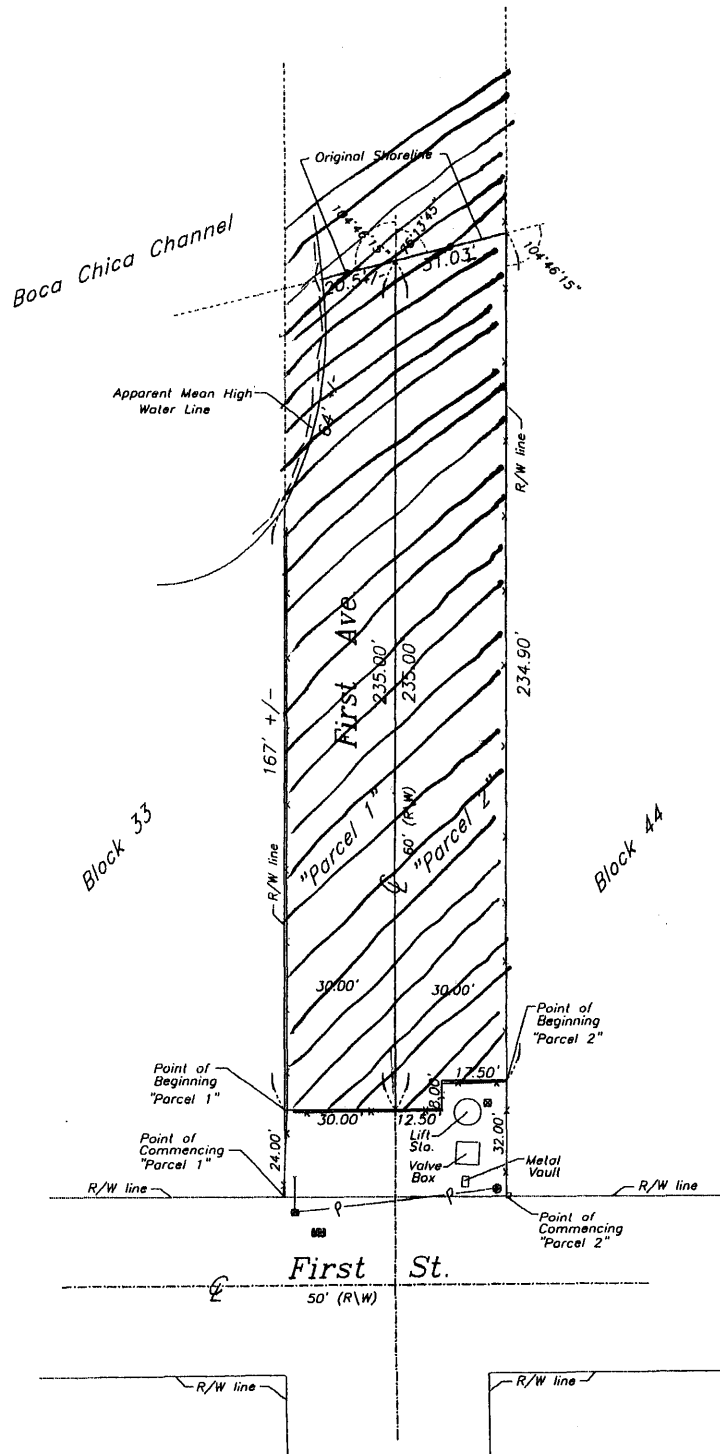
ACH R/T 080100277

For Road abandonment petition

[Signature]
[Signature]

⑈014589⑈ ⑆063100277⑆ 000001187024⑈

~~$1'' = 40'$~~ ~~Z~~
~~Assumed~~



- Found 2" Iron Pipe (Fence Post)
- Set #5 rebar w/cap (LB 7131)
- Found 1/2" Iron Rod (286.3)
- ▲ Found Nail & Disc (PTS)
- △ Set Nail & Disc (LB 7131)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R/W Right of Way
- CLF Chain Link Fence
- £ Centerline
- ⊗ Wood Utility Pole
- ⊗ Concrete Utility Pole
- ⊕ Water Meter

Sheet One of Two Sheets

NORBY & O'FLYNN
Surveying, Inc.

Professional Land Surveyors
LB No. 7131

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Specific Purpose Survey Report to Illustrate legal descriptions authored by the undersigned of a portion of First Avenue, Stock Island

NOTES:

1. The legal descriptions shown hereon were authored by the undersigned.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
5. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
6. North Arrow is assumed and based on the Plat.
7. Error of closure exceeds one part in 10,000.
8. Adjoiners are not furnished.
9. The descriptions contained herein and sketch, do not represent a field Boundary Survey.
10. Street address is: First Avenue, Stock Island, Monroe County, FL 33040.
11. This Specific Purpose Survey Report is not full and complete without the attached Survey Map.

SPECIFIC PURPOSE SURVEY TO ILLUSTRATE LEGAL DESCRIPTIONS AUTHORED BY THE UNDERSIGNED

PARCEL 1: A parcel of land on Stock Island being a portion of the N'y 1/2 of First Avenue, lying between the E'y right of way line of First Street and the original shoreline of Boca Chica Channel, also lying between Blocks 33 and 44, as shown on George McDonald's Plat of Stock Island, as recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

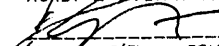
COMMENCE at the SW'y corner of the said Block 33, said point also being the N'y right of way line of First Avenue and the E'y right of way line of First Street and run thence E'y along the N'y right of way line of the said First Avenue for a distance of 24.00 feet to a point, said point being the Point of Beginning; thence S'y and at right angles for a distance of 30.00 feet to the centerline of the said First Avenue; thence E'y and at right angles along the centerline of the said First Avenue for a distance of 235.00 feet to the original shoreline of Boca Chica Channel as shown on said Plat; thence N'y with a deflection angle of 104°46'15" to the left and along the original shoreline of Boca Chica Channel as shown on said Plat for a distance of 20.5 feet, more or less, to the apparent Mean High Water Line of the said Boca Chica Channel; thence meander W'y and NW'y along the apparent Mean High Water Line of the said Boca Chica Channel for a distance of 64 feet, more or less, to the N'y right of way line of the said First Avenue; thence W'y and along the N'y right of way line of the said First Avenue for a distance of 167 feet, more or less, back to the Point of Beginning.

PARCEL 2: A parcel of land on Stock Island being a portion of the S'y 1/2 of First Avenue, lying between the E'y right of way line of First Street and the original shoreline of Boca Chica Channel, also lying between Blocks 33 and 44, as shown on George McDonald's Plat of Stock Island, as recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the NW'y corner of the said Block 44, said point also being the S'y right of way line of First Avenue and the E'y right of way line of First Street and run thence E'y along the S'y right of way line of the said First Avenue for a distance of 32.00 feet to a point, said point being the Point of Beginning; thence N'y and at right angles for a distance of 17.50 feet; thence W'y and at right angles for a distance of 8.00 feet; thence N'y and at right angles for a distance of 12.50 feet to the centerline of the said First Avenue; thence E'y and at right angles along the centerline of the said First Avenue for a distance of 235.00 feet to the original shoreline of Boca Chica Channel as shown on said Plat; thence S'y with a deflection angle of 75°13'45" to the right and along the original shoreline of Boca Chica Channel as shown on said Plat for a distance of 31.03 feet to the S'y right of way line of the said First Avenue; thence W'y with a deflection angle 104°46'15" to the right and along the S'y right of way line of the said First Avenue for a distance of 234.90 feet back to the Point of Beginning.

SPECIFIC PURPOSE SURVEY FOR: Boyd's Campground;

NORBY & O'FLYNN SURVEYING, INC.


J. Lynn O'Flynn, PSM
Florida Reg. #6298

March 15, 2005

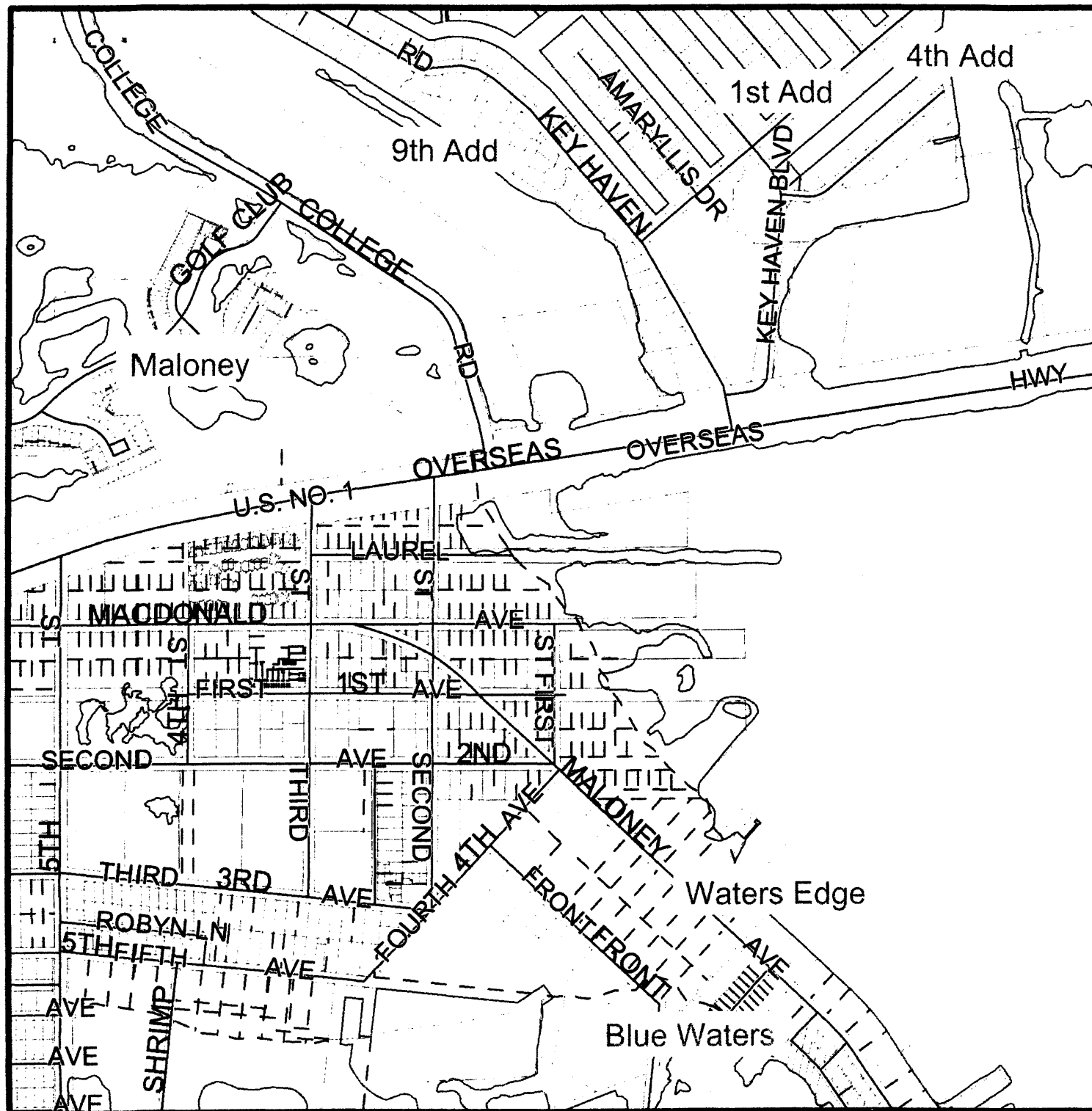
Sheet Two of Two Sheets

NORBY & O'FLYNN
Surveying, Inc.









Professional Land Surveyors
LB No. 7131

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244



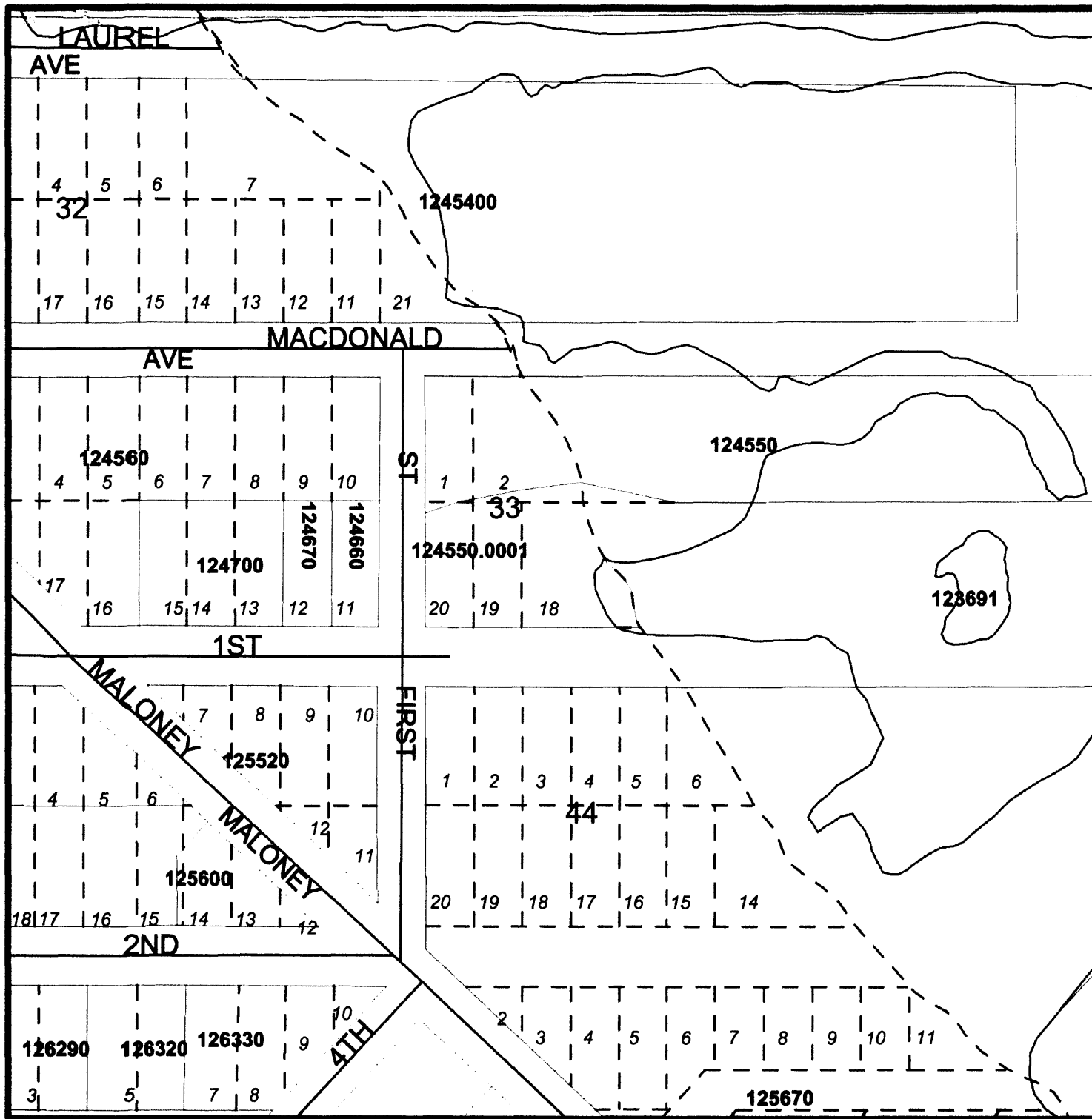
Ervin A Higgs, CFA
Monroe County
Property Appraiser

Title Line 1

-  Lot Lines
-  Road Names
-  Road Centerlines
-  Water Names
-  Parcels
-  Shoreline

1 in. = 627.9 feet



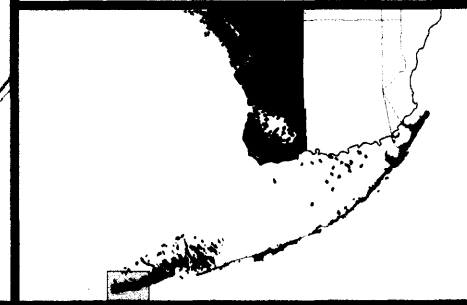


Ervin A Higgs, CFA
Monroe County
Property Appraiser

Title Line 1

- Real Estate Number
- Parcel Lot Text
- Subdivision Text
- Block Text
- ✓ Hooks_Leads
- Lot Lines
- Road Names
- Road Names2
- ✓ Road Centerlines
- Water Names
- Parcels
- ~ Shoreline

1 in. = 144.8 feet



MONROE COUNTY
OFFICIAL RECORDS
FILE #981442
BK#1435 PG#2469

RCD Dec 26 1996 10:14AM
DANNY L KOLHAGE, CLERK
DEED DOC STAMPS 8721.30
12/26/1996 FP DEP CLK

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 28th day of December, 1995, between **ELSIE M. HAMILTON** (Grantor) and **BOYD'S CAMPGROUND, LTD.** (Grantee), whose post office address is 6401 Maloney Avenue, Key West, Florida 33040, and whose Tax Identification Number is is being applied for,

WITNESSETH, that Grantor, for and in consideration of a 35.4015% interest in BOYD'S CAMPGROUND, LTD., and other good and valuable consideration in hand paid by Grantee, the receipt of which is acknowledged, quitclaims to Grantee and Grantee's heirs, executors, administrators, and assigns forever all of the right, title, and interest of Grantor in the following described land situated in MONROE County, Florida:

SEE ATTACHED EXHIBIT "A"

Tax Parcel Identification Numbers:

00125720-000000; 00125670-000000; 00125690-000000 00160020-000000
00125700-000000; 00125710-000000; 00160030-000000.

Signed in the presence of:

(signature)
Daniel H. Hamilton
DANIEL H. HAMILTON (print)
Witness

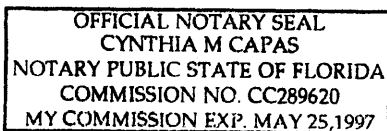
(signature)
Elsie M. Hamilton
ELSIE M. HAMILTON
Grantor

(signature)
Boyd N. Hamilton
BOYD N. HAMILTON (print)
Witness

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me by ELSIE M. HAMILTON, who identified this instrument as her Quitclaim Deed, and who signed the instrument willingly.

Sworn to before me on 28th of December 1995, by ELSIE M. HAMILTON, who (is personally known to me) (produced H543-213-25-558 as identification).



[Signature]
Notary Public, State of Florida
Print name: CYNTHIA M. CAPAS
Commission No.: CC289620
My commission expires: 5/25/97

(SEAL)

This instrument was prepared by:

Daniel H. Hamilton, Esq.
818 White Street
Key West, FL 33040

All of Lots 13 and 14, of Block 45, according to George L. MacDonald's Plat or Subdivision of Lots 1, 2, 3, 5 and 6 of Section 35, Lot 2 of Section 36, Lot 3 of Section 34, Township 67 South, Range 25 East, said Plat being recorded in Plat Book 1, Page 55, Monroe County, Florida Public Records.

ALSO

Lots 15 and 16, Square 45, on the Island known as STOCK ISLAND and more particularly shown on Plat of said STOCK ISLAND made by George L. McDonald and recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida.

Together with the improvements situate thereupon

ALSO

On the Island of Stock Island and being the West one-half ($\frac{1}{2}$) of Lot Seventeen (17), Block Forty-five (45), of Maloney's Subdivision of Stock Island, according to George L. McDonald's Map thereof, recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida.

ALSO

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Monroe County, Florida, more particularly described as follows: Beginning at the intersection of the mean high water mark of Boca Chica Channel and the line dividing Lots 16 and 17 of Square 45 of Maloney's Subdivision of Stock Island as recorded in Plat Book 1, Page 55, Public Records of Monroe County, Florida, run northeasterly along the line dividing Lots 16 and 17 extended into the waters of the Channel for a distance of 160 feet, thence at right angles southeasterly 50 feet, thence southwesterly 170 feet more or less, to the mean high water mark, thence meandering said mean high water mark northwesterly back to the point of beginning. Containing 0.189 acres, more or less.

ALSO

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida and being more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Block 44 of the Plat of Stock Island, as recorded in Plat Book 1, Page 55 of the Public Records of Monroe County, Florida, bear East along the South line of First Avenue for a distance of 265 feet, more or less, to a point on the shore line of Boca Chica Channel, said point also to be known as the Point of Beginning of the parcel of submerged land hereinafter described; from said Point of Beginning, continue bearing East for a distance of 570 feet, more or less, to a point; thence bear South for a distance of 135 feet, more or less, to a point; thence bear South 42 degrees 50 minutes West for a distance of 350 feet, more or less, back to the shore line; thence meander the shore line in a northwesterly direction for a distance of 450 feet, more or less, back to the Point of Beginning.

ALSO

A strip of land in a part of Block 45 of the "PLAT OF STOCK ISLAND" as recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida more particularly described as: Commencing at the SE corner of Lot 12 of Block 45 said corner to be known as the point of beginning of the strip of land hereinafter described. Bear NW'ly along the NE'ly right of way line of Maloney Avenue for a distance of 50 feet; thence bear N 42 degrees 50 minutes E, 93.15 feet; thence bear East 300 feet more or less to a point on the shoreline of Hawk Channel; thence meander the shoreline of Hawk Channel in a SE'ly direction 40 feet more or less to the Southerly line of Lot 11, of Block 45; thence bear West along the Southerly lines of Lots 7, 8, 9, 10, and 11, 290 feet, more or less, to the

NE corner of Lot 12; thence bear S 42 degrees, and 50 minutes W, 93.15 feet back to the point of beginning.

ALSO

FILE # 9 8 1 4 4 2
BK# 1 4 3 5 PG# 2 4 7 1

Block 44 on the Island of Stock Island, recorded in Plat book 1, Page 55, Monroe County, Florida Records, being bounded on the North by 1st Avenue and on the East by the waters of the Bay, on the South by Second Avenue and on the West by 1st Street, together with any riparian rights.

ALSO

Lot 9, Block 2, BAY POINT, AMENDED PLAT, a subdivision located in Government Lots 1 and 5, Section 8, and Government Lot 1, Section 17, Township 67 South, Range 27 East, Saddlebunch Keys, Monroe County Florida, as recorded in Plat Book 3, Page 75, of the Public Records of Monroe County, Florida.

SUBJECT to conditions, restrictions and limitations appearing in the Warranty Deed recorded in Official Record 182, Pages 254 and 255, of the Public Records of Monroe County, Florida.

ALSO

Lot Ten(10), Block Two (2), BAY POINT Amended Plat, located in Government Lots 1 and 5, Section 8, and Government Lot 1, Section 17, Township 67 South, Range 27 East, Saddlebunch Keys, Monroe County Florida, as recorded in Plat Book 3, Page 75, of the Public Records of Monroe County, Florida.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

ALSO

That portion of Second Avenue, lying between Block 44 and Block 45 as shown on George L. McDonald's Plat of Stock Island as recorded in Plat Book 1, Page 55, Public records of Monroe County, Florida.

MONROE COUNTY
OFFICIAL RECORDS

MONROE COUNTY
OFFICIAL RECORDS
FILE #981443
BK#1435 PG#2472

RCD Dec 26 1996 10:16AM
DANNY L KOLHAGE, CLERK
DEED DOC STAMPS 8721.30
12/26/1996 70 DEP CLK

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 28th day of December, 1995, between **BOYD N. HAMILTON** (Grantor) and **BOYD'S CAMPGROUND, LTD.** (Grantee), whose post office address is 6401 Maloney Avenue, Key West, Florida 33040, and whose Tax Identification Number is is being applied for,

WITNESSETH, that Grantor, for and in consideration of a 35.4015% interest in BOYD'S CAMPGROUND, LTD., and other good and valuable consideration in hand paid by Grantee, the receipt of which is acknowledged, quitclaims to Grantee and Grantee's heirs, executors, administrators, and assigns forever all of the right, title, and interest of Grantor in the following described land situated in MONROE County, Florida:

SEE ATTACHED EXHIBIT "A"

Tax Parcel Identification Numbers:

00125720-000000; 00125670-000000; 00125690-000000 00160020-000000
00125700-000000; 00125710-000000; 00160030-000000.

Signed in the presence of:

(signature)
Daniel H. Hamilton
DANIEL H. HAMILTON (print)
Witness

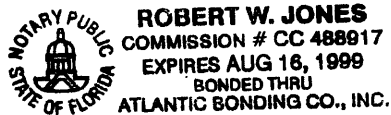
(signature)
Boyd N. Hamilton
BOYD N. HAMILTON
Grantor

(signature)
Henry B. Hamilton
HENRY B. HAMILTON (print)
Witness

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me by BOYD N. HAMILTON, who identified this instrument as his Quitclaim Deed, and who signed the instrument willingly.

Sworn to before me on DECEMBER 28th, 1995 by BOYD N. HAMILTON, who (is personally known to me) (produced _____ as identification).



(signature)
Notary Public, State of Florida
Print name: ROBERT W. JONES
Commission No.: CC 488917
My commission expires: AUG. 16, 1999

(SEAL)

This instrument was prepared by:

Daniel H. Hamilton, Esq.
818 White Street
Key West, FL 33040

All of Lots 13 and 14, of Block 45, according to George L. MacDonald's Plat or Subdivision of Lots 1, 2, 3, 5 and 6 of Section 35, Lot 2 of Section 36, Lot 3 of Section 34, Township 67 South, Range 25 East, said Plat being recorded in Plat Book 1, Page 55, Monroe County, Florida Public Records.

ALSO

Lots 15 and 16, Square 45, on the Island known as STOCK ISLAND and more particularly shown on Plat of said STOCK ISLAND made by George L. McDonald and recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida.

Together with the improvements situate thereupon

ALSO

On the Island of Stock Island and being the West one-half ($\frac{1}{2}$) of Lot Seventeen (17), Block Forty-five (45), of Maloney's Subdivision of Stock Island, according to George L. McDonald's Map thereof, recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida.

ALSO

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Monroe County, Florida, more particularly described as follows: Beginning at the intersection of the mean high water mark of Boca Chica Channel and the line dividing Lots 16 and 17 of Square 45 of Maloney's Subdivision of Stock Island as recorded in Plat Book 1, Page 55, Public Records of Monroe County, Florida, run northeasterly along the line dividing Lots 16 and 17 extended into the waters of the Channel for a distance of 160 feet, thence at right angles southeasterly 50 feet, thence southwesterly 170 feet more or less, to the mean high water mark, thence meandering said mean high water mark northwesterly back to the point of beginning. Containing 0.189 acres, more or less.

ALSO

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida and being more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Block 44 of the Plat of Stock Island, as recorded in Plat Book 1, Page 55 of the Public Records of Monroe County, Florida, bear East along the South line of First Avenue for a distance of 265 feet, more or less, to a point on the shore line of Boca Chica Channel, said point also to be known as the Point of Beginning of the parcel of submerged land hereinafter described; from said Point of Beginning, continue bearing East for a distance of 570 feet, more or less, to a point; thence bear South for a distance of 135 feet, more or less, to a point; thence bear South 42 degrees 50 minutes West for a distance of 350 feet, more or less, back to the shore line; thence meander the shore line in a northwesterly direction for a distance of 450 feet, more or less, back to the Point of Beginning.

ALSO

A strip of land in a part of Block 45 of the "PLAT OF STOCK ISLAND" as recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida more particularly described as: Commencing at the SE corner of Lot 12 of Block 45 said corner to be known as the point of beginning of the strip of land hereinafter described. Bear NW'ly along the NE'ly right of way line of Maloney Avenue for a distance of 50 feet; thence bear N 42 degrees 50 minutes E, 93.15 feet; thence bear East 300 feet more or less to a point on the shoreline of Hawk Channel; thence meander the shoreline of Hawk Channel in a SE'ly direction 40 feet more or less to the Southerly line of Lot 11, of Block 45; thence bear West along the Southerly lines of Lots 7, 8, 9, 10, and 11, 290 feet, more or less, to the

NE corner of Lot 12; thence bear S 42 degrees, and 50 minutes W, 93.15 feet back to the point of beginning.

ALSO

FILE #981443
BK#1435 PG#2474

Block 44 on the Island of Stock Island, recorded in Plat book 1, Page 55, Monroe County, Florida Records, being bounded on the North by 1st Avenue and on the East by the waters of the Bay, on the South by Second Avenue and on the West by 1st Street, together with any riparian rights.

ALSO

Lot 9, Block 2, BAY POINT, AMENDED PLAT, a subdivision located in Government Lots 1 and 5, Section 8, and Government Lot 1, Section 17, Township 67 South, Range 27 East, Saddlebunch Keys, Monroe County Florida, as recorded in Plat Book 3, Page 75, of the Public Records of Monroe County, Florida.

SUBJECT to conditions, restrictions and limitations appearing in the Warranty Deed recorded in Official Record 182, Pages 254 and 255, of the Public Records of Monroe County, Florida.

ALSO

Lot Ten(10), Block Two (2), BAY POINT Amended Plat, located in Government Lots 1 and 5, Section 8, and Government Lot 1, Section 17, Township 67 South, Range 27 East, Saddlebunch Keys, Monroe County Florida, as recorded in Plat Book 3, Page 75, of the Public Records of Monroe County, Florida.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

ALSO

That portion of Second Avenue, lying between Block 44 and Block 45 as shown on George L. McDonald's Plat of Stock Island as recorded in Plat Book 1, Page 55, Public records of Monroe County, Florida.

MONROE COUNTY
OFFICIAL RECORDS

374 nce 620

Trustees of the Internal Improvement Fund
of the State of Florida

Fla. Doc. Stamp
\$ 4.20

139181

DEED NO. 24280 (1744-44)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, the Trustees of the Internal Improvement Fund of the State of Florida, under authority of law, for and in consideration of the sum of One Thousand Three Hundred Seventeen and 50/100 (\$1,317.50) DOLLARS, to them in hand paid by BOYD N. HAMILTON and ELSIE M. HAMILTON, his wife, of the County of Monroe, State of Florida, have granted, bargained and sold, and do by these presents grant, bargain, sell and convey, unto the said BOYD N. HAMILTON and ELSIE M. HAMILTON, his wife, and their heirs and assigns, the following described lands, to-wit:

Cypress Camp, Stock Island, Ky West, Fla.

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida and being more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Block 44 of the Plat of Stock Island, as recorded in Plat Book 1, Page 55 of the Public Records of Monroe County, Florida, bear East along the South line of First Avenue for a distance of 265 feet, more or less, to a point on the shore line of Boca Chica Channel, said point also to be known as the Point of Beginning of the parcel of submerged land hereinafter described; from said Point of Beginning, continue bearing East for a distance of 570 feet, more or less, to a point; thence bear South for a distance of 135 feet, more or less, to a point; thence bear South 42° 50' West for a distance of 350 feet, more or less, back to the shore line; thence meander the shore line in a northwesterly direction for a distance of 450 feet, more or less, back to the Point of Beginning;

containing 1.1 acres, more or less, and lying and being in the County of Monroe, in said State of Florida.

TO HAVE AND TO HOLD the above granted and described premises forever.

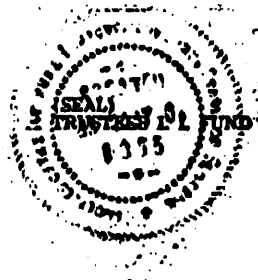
SAVING AND RESERVING unto the said Trustees of the Internal Improvement Fund of the State of Florida, and their successors, title to an undivided three-fourths of all phosphate, minerals and rights and title to an undivided one-half of all petroleum that may be in, on or under the above described land, with the privilege to mine and develop the same.

OTHER RESERVATIONS:

None

Recorded in Official Record Book
Monroe County, Florida
EARL R. ADAMS
CLERK OF CIRCUIT COURT
RECORD VERIFIED

IN TESTIMONY WHEREOF, the said Trustees of the Internal Improvement Fund of the State of Florida have hereunto subscribed their names and have caused the official seal of said Trustees to be hereunto affixed, in the City of Tallahassee, Florida, on this the 24th day of May, A. D. 1956.



Form 222 (11-55)

Ray L. ...
Governor
John D. ...
Comptroller
Howard ...
Attorney General
Ray ...
Commissioner of Agriculture

As and Constituting the
TRUSTEES OF THE INTERNAL IMPROVEMENT
FUND OF THE STATE OF FLORIDA

RECORD 272 PAGE 340

196555

WARRANTY DEED

THIS INDENTURE, Made this 24th day of January, A. D. 1963, between THE FLORIDA NATIONAL BANK AT KEY WEST, a corporation existing under the laws of the United States, (formerly THE FIRST NATIONAL BANK OF KEY WEST, a corporation organized under the national banking laws of the United States), having its principal place of business in the County of Monroe and State of Florida, party of the first part, and BOYD N. HAMILTON and ELSIE M. HAMILTON, husband and wife, whose permanent address is 1736 Johnson Street, Key West, Florida, of the County of Monroe, and State of Florida, parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Twenty-Two Thousand Dollars (\$22,000.00), to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey, and confirm unto the said parties of the second part, and their heirs and assigns forever, all that certain parcel of land lying and being in the County of Monroe and State of Florida, more particularly described as follows:

Block 14 on the Island of Stock Island, recorded in Plat Book #1, page 57, Monroe County, Florida Records, being bounded on the North by 1st Avenue and on the East by the waters of the Bay, on the South by Second Avenue and on the West by 1st Street, together with any riparian rights,

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the same in fee simple forever,

And the said party of the first part doth covenant with the said parties of the second part that it is lawfully seized of the said premises; that they are free of all incumbrances, and that it has good right and lawful authority to sell the same, and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever,

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested

NOTED 272 PAGE 341

by its Cashier the day and year above written.

THE FLORIDA NATIONAL BANK AT KEY WEST

By [Signature]
President.

Attest: (Corporate Seal)

Cashier.

Sealed, Signed, and Delivered
in Our Presence

Witness as to both signatures.

Witness as to both signatures.

STATE OF FLORIDA.

COUNTY OF MONROE.

I HEREBY CERTIFY, That on this 27th day of January, A. D. 1963, before me personally appeared J. J. PINDER and KATHLEEN WATKINS, President and Cashier respectively of THE FLORIDA NATIONAL BANK AT KEY WEST, a corporation organized under the Laws of the United States, to me known to be the persons in whose name and who executed the foregoing conveyance to BOYD N. HAMILTON and ELSIE M. HAMILTON, husband and wife, whose permanent address is 1760 Johns Street, Key West, Florida, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein recited, and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Key West, in the County of Monroe and State of Florida, the day and year last aforesaid.

(Seal)

RECORDED IN MONROE COUNTY, FLORIDA
OF L. J. ADAMS
CLERK OF CIRCUIT COURT
RECORD VERIFIED

Notary Public, State of Florida at Large.

My commission expires:

Notary Public, State of Florida at Large
My Commission Expires Apr. 2, 1963

Form 1126 Florida MORTGAGE DEED
To Corporation

RECORD 272 PAGE 342

TUTTLEMAN REGISTERED IN A NOTARY OFFICE
Tuttle Law Firm, Publishers, Rutland, Vt.

This Mortgage Deed.

Whichever land herein, the term "party" shall include the heirs, personal representatives, executors and administrators of the respective parties herein, the use of the singular number shall include the plural, and the plural the singular, the use of any gender shall include all genders, and, if used, the term "state" shall include all the states herein described of which they are.

Executed the 25th day of January, A. D. 1963
by BOYD N. HAMILTON and ELSIE M. HAMILTON, husband and wife,

of Monroe County, State of Florida, party of
the first part, hereinafter called the Mortgagor, to THE FLORIDA NATIONAL BANK
AT KEY WEST,
a corporation existing under the laws of the ~~STATE OF FLORIDA~~ United States
party of the second part, hereinafter called the Mortgagee,

Witnesseth, that for divers good and valuable considerations, and also in consideration of the aggregate sum named in the promissory note of even date herewith, hereinafter described, the said Mortgagor, does grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee, in fee simple, all that certain tract of land, of which the said Mortgagor is now seized and possessed, and in actual possession, situate in Monroe County, State of Florida, described as follows:

Block 44 on the Island of Stock Island, recorded in Plat Book #1, page 55, Monroe County, Florida Records, being bounded on the North by 1st Avenue and on the East by the waters of the Bay, on the South by Second Avenue and on the West by 1st Street, together with any riparian rights.

Received \$ 24.55 in payment of Taxes due on Class 100 land, as
Personal Property pursuant to Chapter 20724, Laws of Florida 1963.

2/14/63
Earl H. Adams, as Agent for Tax Collector, Monroe County, Florida

By William C. Clegg
Clerk of the Court, 1st J. 400

STATES ATTACHED TO CIRCULAR 100-1

THIS IS A PURCHASE MONEY MORTGAGE.

To Have and to Hold the same, together with the tenements, hereditaments and appurtenances, unto the said Mortgagee in fee simple.

And, said Mortgagee does covenant with said Mortgagor that said Mortgagor is lawfully seized of said land in fee simple; that the said Mortgagor has full power and lawful right to convey said land in fee simple as aforesaid; that it shall be lawful for said Mortgagee at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land; that said land is free from all incumbrances; that said Mortgagee will make such further assurances to perfect the fee simple title to said land in said Mortgagor as may reasonably be required; and that said Mortgagee does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Provided Always, that if said Mortgagor shall pay unto the said Mortgagee the certain promissory note, of which the following in words and figures is a true copy, to wit:

\$15,000.00

Key West, Florida, January 25, 1963.

For value received, we promise to pay to the order of THE FLORIDA NATIONAL BANK AT KEY WEST, a corporation existing under the laws of the United States, at its banking offices located in the City of Key West, Florida, the principal sum of Fifteen Thousand Dollars (\$15,000.00), in twenty (20) semi-annual installments of Seven Hundred Fifty Dollars (\$750.00) each, the first of said installments to become due and payable six (6) months after date, and one of said installments to fall due each six months thereafter until said principal sum is paid in full, principal payments to be made on each 25th day of July and January after date, together with interest thereon at the rate of six per cent (6%) per annum upon the unpaid balance of said note until fully paid, interest payable semi-annually and to be computed upon the balance of principal remaining unpaid at the commencement of each semi-annual interest period.

The right is reserved to the makers of this note to prepay all or any part of the principal indebtedness represented hereby, with corresponding abatement of interest.

In the event of default for a period of thirty (30) days in the payment of any of the sums of money due hereunder, either principal or interest, the holder or holders of this note may, at its, his, her, or their option, elect to declare the entire balance of principal then remaining unpaid as immediately due and payable, whereupon the right of the makers of this note to pay the same in installment payments shall immediately cease and determine.

The makers and endorers of this note hereby agree to waive demand, notice of non-payment and protest, and in case suit shall be brought for the collection hereof, or the same has to be collected upon demand of an attorney, to pay reasonable attorney's fees for making such collection. Deferred interest on payments to bear interest from maturity at six per cent (6%) per annum.

/s/ Boyd N. Hamilton

(SEAL)

Boyd N. Hamilton

/s/ Elsie M. Hamilton

(SEAL)

Elsie M. Hamilton

and shall perform, comply with and abide by each and every the stipulations, covenants, conditions and covenants of said promissory note and of this deed, from and to the date hereof until the estate hereunder created shall cease and be null and void.

And, the said Mortgagor hereby covenants and agrees:

1. To pay all and singular the principal and interest and other sums of money payable by virtue of said promissory note and this deed, or either, promptly on the days respectively the same severally come due.

2. To pay all and singular the taxes, assessments, levies, liabilities, obligations and encumbrances of every nature on said described property each and every, and if the same be not promptly paid the said Mortgagor may at any time pay the same without waiving or affecting the option to foreclose or any right hereunder, and every payment so made shall bear interest from the date thereof at the rate of six (6) per cent. per annum.

272 344

3. To pay all and singular the interest and expenses, including, however, fees, reasonably incurred or paid at any time by said Mortgagee because of the failure on the part of the said Mortgagor to perform, comply with and abide by each and every the stipulations, conditions and covenants of said promissory note and this deed, or either, and every such payment shall bear interest from date at the rate of six (6) -----per cent. per annum.

4. To keep the buildings now or hereafter on said land insured in a sum not less than the full insurable value, ----- ~~policy~~ in a company or companies to be approved by said Mortgagee, and the policy or policies held by and payable to said Mortgagee, and in the event any sum of money becomes payable under such policy or policies, the Mortgagee shall have the option to receive and apply the same on account of the indebtedness hereby secured or to permit the Mortgagor to receive and use it, or any part thereof, for other purposes, without thereby waiving or impairing any right then or right under or by virtue of this mortgage, and may place and pay for such insurance or any part thereof, without waiving or affecting the option to foreclose or any right hereunder, and each and every such payment shall bear interest from date at the rate of six (6) -----per cent. per annum.

5. To permit, commit or suffer no waste, impairment or deterioration of said property or any part thereof.

6. To perform, comply with and abide by each and every the stipulations, agreements, conditions and covenants in said promissory note and in this deed set forth.

7. If any of said sums of money herein referred to be not promptly and fully paid within thirty (30) -----days next after the same severally become due and payable, or if each and every the stipulations, agreements, conditions and covenants of said promissory note and this deed or either, are not duly performed, complied with and abided by, the said aggregate sum mentioned in said promissory note shall become due and payable forthwith or thereafter at the option of the Mortgagee as fully and completely as if the said aggregate sum of Fifteen Thousand ----- ~~dollars~~ was originally stipulated to be paid on such day, anything in said promissory note or herein to the contrary notwithstanding.

In Witness Whereof, The said Mortgagee hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of:

Witness as to both signatures.

Witness as to both signatures.

Rayd N. Hamilton
Rayd N. Hamilton
Elsie M. Hamilton
Elsie M. Hamilton

State of Florida

County of MONROE.

Is an officer authorized to take acknowledgments of deeds according to laws of the State of Florida, duly made, ed. and acting, 223-224-1-387

BOYD N. HAMILTON and ELSIE M. HAMILTON, husband and wife

being personally known, this day personally appeared and acknowledged that they executed the foregoing mortgage, and I, E. W. L. J., do hereby certify that the said person making said acknowledgment to be the husband of the said woman who executed the said mortgage.

Elsie M. Hamilton

known to her to be the wife of said Boyd N. Hamilton, and that she this day personally appeared and acknowledged to, and apart from her husband, that she executed the said instrument voluntarily and without compulsion, constraint, duress, or undue influence for the purposes and intentions therein expressed and contained, and in the premises therein described, whether of dower or otherwise.

Rev West
day of February 1963.

(Seal) The Commission, February 2, 1963

Notary Public, State of Florida, in and for the County of _____

Electric Fish

ROTHMAN, HAMILTON and ELISE M. HAMILTON, husband and wife,

**THE FLORIDA NATIONAL BANK AT
KEY WEST, a corporation existing
under the laws of the United States.**

Date: January 25, A. D. 1963

ABSTRACT OF DESCRIPTION

RECORD VERIFIED
CLERK OF CIRCUIT COURT
EARL R. ADAMS
CLERK OF CIRCUIT COURT
CLERK OF CIRCUIT COURT

MONROE COUNTY
OFFICIAL RECORDS
FILE #981442
BK#1435 PG#2469

RCD Dec 26 1996 10:14AM
DANNY L KOLHAGE, CLERK
DEED DOC STAMPS 8721.30
12/26/1996 FP DEP CLK

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 28th day of December, 1995, between **ELSIE M. HAMILTON** (Grantor) and **BOYD'S CAMPGROUND, LTD.** (Grantee), whose post office address is 6401 Maloney Avenue, Key West, Florida 33040, and whose Tax Identification Number is is being applied for,

WITNESSETH, that Grantor, for and in consideration of a 35.4015% interest in BOYD'S CAMPGROUND, LTD., and other good and valuable consideration in hand paid by Grantee, the receipt of which is acknowledged, quitclaims to Grantee and Grantee's heirs, executors, administrators, and assigns forever all of the right, title, and interest of Grantor in the following described land situated in MONROE County, Florida:

SEE ATTACHED EXHIBIT "A"

Tax Parcel Identification Numbers:

00125720-000000; 00125670-000000; 00125690-000000 00160020-000000
00125700-000000; 00125710-000000; 00160030-000000.

Signed in the presence of:

(signature)
Daniel H. Hamilton
DANIEL H. HAMILTON (print)
Witness

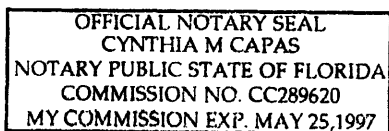
(signature)
Elsie M. Hamilton
ELSIE M. HAMILTON
Grantor

(signature)
Boyd N. Hamilton
BOYD N. HAMILTON (print)
Witness

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me by ELSIE M. HAMILTON, who identified this instrument as her Quitclaim Deed, and who signed the instrument willingly.

Sworn to before me on 28th of December 1995 by ELSIE M. HAMILTON, who (is personally known to me) (produced HS42-213-25-558 as identification).



Cynthia M. Capas
Notary Public, State of Florida
Print name: CYNTHIA
Commission No.:
My commission expires: 5/25/97

(SEAL)

This instrument was prepared by:

Daniel H. Hamilton, Esq.
818 White Street
Key West, FL 33040

All of Lots 13 and 14, of Block 45, according to George L. MacDonald's Plat or Subdivision of Lots 1, 2, 3, 5 and 6 of Section 35, Lot 2 of Section 36, Lot 3 of Section 34, Township 67 South, Range 25 East, said Plat being recorded in Plat Book 1, Page 55, Monroe County, Florida Public Records.

ALSO

Lots 15 and 16, Square 45, on the Island known as STOCK ISLAND and more particularly shown on Plat of said STOCK ISLAND made by George L. McDonald and recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida.

Together with the improvements situate thereupon

ALSO

On the Island of Stock Island and being the West one-half ($\frac{1}{2}$) of Lot Seventeen (17), Block Forty-five (45), of Maloney's Subdivision of Stock Island, according to George L. McDonald's Map thereof, recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida.

ALSO

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Monroe County, Florida, more particularly described as follows: Beginning at the intersection of the mean high water mark of Boca Chica Channel and the line dividing Lots 16 and 17 of Square 45 of Maloney's Subdivision of Stock Island as recorded in Plat Book 1, Page 55, Public Records of Monroe County, Florida, run northeasterly along the line dividing Lots 16 and 17 extended into the waters of the Channel for a distance of 160 feet, thence at right angles southeasterly 50 feet, thence southwesterly 170 feet more or less, to the mean high water mark, thence meandering said mean high water mark northwesterly back to the point of beginning. Containing 0.189 acres, more or less.

ALSO

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida and being more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Block 44 of the Plat of Stock Island, as recorded in Plat Book 1, Page 55 of the Public Records of Monroe County, Florida, bear East along the South line of First Avenue for a distance of 265 feet, more or less, to a point on the shore line of Boca Chica Channel, said point also to be known as the Point of Beginning of the parcel of submerged land hereinafter described; from said Point of Beginning, continue bearing East for a distance of 570 feet, more or less, to a point; thence bear South for a distance of 135 feet, more or less, to a point; thence bear South 42 degrees 50 minutes West for a distance of 350 feet, more or less, back to the shore line; thence meander the shore line in a northwesterly direction for a distance of 450 feet, more or less, back to the Point of Beginning.

ALSO

A strip of land in a part of Block 45 of the "PLAT OF STOCK ISLAND" as recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida more particularly described as: Commencing at the SE corner of Lot 12 of Block 45 said corner to be known as the point of beginning of the strip of land hereinafter described. Bear NW'ly along the NE'ly right of way line of Maloney Avenue for a distance of 50 feet; thence bear N 42 degrees 50 minutes E, 93.15 feet; thence bear East 300 feet more or less to a point on the shoreline of Hawk Channel; thence meander the shoreline of Hawk Channel in a SE'ly direction 40 feet more or less to the Southerly line of Lot 11, of Block 45; thence bear West along the Southerly lines of Lots 7, 8, 9, 10, and 11, 290 feet, more or less, to the

NE corner of Lot 12; thence bear S 42 degrees, and 50 minutes W, 93.15 feet back to the point of beginning.

ALSO

FILE #981442
BK#1435 PG#2471

Block 44 on the Island of Stock Island, recorded in Plat book 1, Page 55, Monroe County, Florida Records, being bounded on the North by 1st Avenue and on the East by the waters of the Bay, on the South by Second Avenue and on the West by 1st Street, together with any riparian rights.

ALSO

Lot 9, Block 2, BAY POINT, AMENDED PLAT, a subdivision located in Government Lots 1 and 5, Section 8, and Government Lot 1, Section 17, Township 67 South, Range 27 East, Saddlebunch Keys, Monroe County Florida, as recorded in Plat Book 3, Page 75, of the Public Records of Monroe County, Florida.

SUBJECT to conditions, restrictions and limitations appearing in the Warranty Deed recorded in Official Record 182, Pages 254 and 255, of the Public Records of Monroe County, Florida.

ALSO

Lot Ten(10), Block Two (2), BAY POINT Amended Plat, located in Government Lots 1 and 5, Section 8, and Government Lot 1, Section 17, Township 67 South, Range 27 East, Saddlebunch Keys, Monroe County Florida, as recorded in Plat Book 3, Page 75, of the Public Records of Monroe County, Florida.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

ALSO

That portion of Second Avenue, lying between Block 44 and Block 45 as shown on George L. McDonald's Plat of Stock Island as recorded in Plat Book 1, Page 55, Public records of Monroe County, Florida.

MONROE COUNTY
OFFICIAL RECORDS

MONROE COUNTY
OFFICIAL RECORDS
FILE #981443
BK#1435 PG#2472

RCD Dec 26 1996 10:16AM
DANNY L KOLHAGE, CLERK
DEED DOC STAMPS 8721.30
12/26/1996 DP DEP CLK

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 28th day of December, 1995, between **BOYD N. HAMILTON** (Grantor) and **BOYD'S CAMPGROUND, LTD.** (Grantee), whose post office address is 6401 Maloney Avenue, Key West, Florida 33040, and whose Tax Identification Number is is being applied for,

WITNESSETH, that Grantor, for and in consideration of a 35.4015% interest in BOYD'S CAMPGROUND, LTD., and other good and valuable consideration in hand paid by Grantee, the receipt of which is acknowledged, quitclaims to Grantee and Grantee's heirs, executors, administrators, and assigns forever all of the right, title, and interest of Grantor in the following described land situated in MONROE County, Florida:

SEE ATTACHED EXHIBIT "A"

Tax Parcel Identification Numbers:

00125720-000000; 00125670-000000; 00125690-000000 00160020-000000
00125700-000000; 00125710-000000; 00160030-000000.

Signed in the presence of:

(signature)
Daniel H. Hamilton
DANIEL H. HAMILTON (print)
Witness

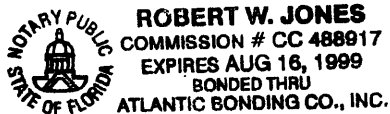
(signature)
Boyd N. Hamilton
BOYD N. HAMILTON
Grantor

(signature)
Henry B. Hamilton
HENRY B. HAMILTON (print)
Witness

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me by BOYD N. HAMILTON, who identified this instrument as his Quitclaim Deed, and who signed the instrument willingly.

Sworn to before me on DECEMBER 28th, 1995 by BOYD N. HAMILTON, who (is personally known to me) (produced _____ as identification).



(signature)
Notary Public, State of Florida
Print name: ROBERT W. JONES
Commission No.: CC 488917
My commission expires: AUG. 16, 1999

(SEAL)

This instrument was prepared by:

Daniel H. Hamilton, Esq.
818 White Street
Key West, FL 33040

All of Lots 13 and 14, of Block 45, according to George L. MacDonald's Plat or Subdivision of Lots 1, 2, 3, 5 and 6 of Section 35, Lot 2 of Section 36, Lot 3 of Section 34, Township 67 South, Range 25 East, said Plat being recorded in Plat Book 1, Page 55, Monroe County, Florida Public Records.

ALSO

Lots 15 and 16, Square 45, on the Island known as STOCK ISLAND and more particularly shown on Plat of said STOCK ISLAND made by George L. McDonald and recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida.

Together with the improvements situate thereupon

ALSO

On the Island of Stock Island and being the West one-half ($\frac{1}{2}$) of Lot Seventeen (17), Block Forty-five (45), of Maloney's Subdivision of Stock Island, according to George L. McDonald's Map thereof, recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida.

ALSO

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Monroe County, Florida, more particularly described as follows: Beginning at the intersection of the mean high water mark of Boca Chica Channel and the line dividing Lots 16 and 17 of Square 45 of Maloney's Subdivision of Stock Island as recorded in Plat Book 1, Page 55, Public Records of Monroe County, Florida, run northeasterly along the line dividing Lots 16 and 17 extended into the waters of the Channel for a distance of 160 feet, thence at right angles southeasterly 50 feet, thence southwesterly 170 feet more or less, to the mean high water mark, thence meandering said mean high water mark northwesterly back to the point of beginning. Containing 0.189 acres, more or less.

ALSO

A parcel of submerged land in Boca Chica Channel in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida and being more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Block 44 of the Plat of Stock Island, as recorded in Plat Book 1, Page 55 of the Public Records of Monroe County, Florida, bear East along the South line of First Avenue for a distance of 265 feet, more or less, to a point on the shore line of Boca Chica Channel, said point also to be known as the Point of Beginning of the parcel of submerged land hereinafter described; from said Point of Beginning, continue bearing East for a distance of 570 feet, more or less, to a point; thence bear South for a distance of 135 feet, more or less, to a point; thence bear South 42 degrees 50 minutes West for a distance of 350 feet, more or less, back to the shore line; thence meander the shore line in a northwesterly direction for a distance of 450 feet, more or less, back to the Point of Beginning.

ALSO

A strip of land in a part of Block 45 of the "PLAT OF STOCK ISLAND" as recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida more particularly described as: Commencing at the SE corner of Lot 12 of Block 45 said corner to be known as the point of beginning of the strip of land hereinafter described. Bear NW'ly along the NE'ly right of way line of Maloney Avenue for a distance of 50 feet; thence bear N 42 degrees 50 minutes E, 93.15 feet; thence bear East 300 feet more or less to a point on the shoreline of Hawk Channel; thence meander the shoreline of Hawk Channel in a SE'ly direction 40 feet more or less to the Southerly line of Lot 11, of Block 45; thence bear West along the Southerly lines of Lots 7, 8, 9, 10, and 11, 290 feet, more or less, to the

NE corner of Lot 12; thence bear S 42 degrees, and 50 minutes W, 93.15 feet back to the point of beginning.

ALSO

FILE #981443
BK#1435 PG#2474

Block 44 on the Island of Stock Island, recorded in Plat book 1, Page 55, Monroe County, Florida Records, being bounded on the North by 1st Avenue and on the East by the waters of the Bay, on the South by Second Avenue and on the West by 1st Street, together with any riparian rights.

ALSO

Lot 9, Block 2, BAY POINT, AMENDED PLAT, a subdivision located in Government Lots 1 and 5, Section 8, and Government Lot 1, Section 17, Township 67 South, Range 27 East, Saddlebunch Keys, Monroe County Florida, as recorded in Plat Book 3, Page 75, of the Public Records of Monroe County, Florida.

SUBJECT to conditions, restrictions and limitations appearing in the Warranty Deed recorded in Official Record 182, Pages 254 and 255, of the Public Records of Monroe County, Florida.

ALSO

Lot Ten(10), Block Two (2), BAY POINT Amended Plat, located in Government Lots 1 and 5, Section 8, and Government Lot 1, Section 17, Township 67 South, Range 27 East, Saddlebunch Keys, Monroe County Florida, as recorded in Plat Book 3, Page 75, of the Public Records of Monroe County, Florida.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

ALSO

That portion of Second Avenue, lying between Block 44 and Block 45 as shown on George L. McDonald's Plat of Stock Island as recorded in Plat Book 1, Page 55, Public records of Monroe County, Florida.

Specific Purpose Survey Report to Illustrate legal descriptions authored by the undersigned of a portion of First Avenue, Stock Island

NOTES:

1. The legal descriptions shown hereon were authored by the undersigned.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
5. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
6. North Arrow is assumed and based on the Plat.
7. Error of closure exceeds one part in 10,000.
8. Adjoiners are not furnished.
9. The descriptions contained herein and sketch, do not represent a field Boundary Survey.
10. Street address is: First Avenue, Stock Island, Monroe County, FL 33040.
11. This Specific Purpose Survey Report is not full and complete without the attached Survey Map.

SPECIFIC PURPOSE SURVEY TO ILLUSTRATE LEGAL DESCRIPTIONS AUTHORED BY THE UNDERSIGNED

PARCEL 1: A parcel of land on Stock Island being a portion of the N'y 1/2 of First Avenue, lying between the E'y right of way line of First Street and the original shoreline of Boca Chica Channel, also lying between Blocks 33 and 44, as shown on George McDonald's Plat of Stock Island, as recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the SW'y corner of the said Block 33, said point also being the N'y right of way line of First Avenue and the E'y right of way line of First Street and run thence E'y along the N'y right of way line of the said First Avenue for a distance of 24.00 feet to a point, said point being the Point of Beginning; thence S'y and at right angles for a distance of 30.00 feet to the centerline of the said First Avenue; thence E'y and at right angles along the centerline of the said First Avenue for a distance of 235.00 feet to the original shoreline of Boca Chica Channel as shown on said Plat; thence N'y with a deflection angle of 104°46'15" to the left and along the original shoreline of Boca Chica Channel as shown on said Plat for a distance of 20.5 feet, more or less, to the apparent Mean High Water Line of the said Boca Chica Channel; thence meander W'y and NW'y along the apparent Mean High Water Line of the said Boca Chica Channel for a distance of 64 feet, more or less, to the N'y right of way line of the said First Avenue; thence W'y and along the N'y right of way line of the said First Avenue for a distance of 167 feet, more or less, back to the Point of Beginning.

PARCEL 2: A parcel of land on Stock Island being a portion of the S'y 1/2 of First Avenue, lying between the E'y right of way line of First Street and the original shoreline of Boca Chica Channel, also lying between Blocks 33 and 44, as shown on George McDonald's Plat of Stock Island, as recorded in Plat Book 1, at Page 55 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the NW'y corner of the said Block 44, said point also being the S'y right of way line of First Avenue and the E'y right of way line of First Street and run thence E'y along the S'y right of way line of the said First Avenue for a distance of 32.00 feet to a point, said point being the Point of Beginning; thence N'y and at right angles for a distance of 17.50 feet; thence W'y and at right angles for a distance of 8.00 feet; thence N'y and at right angles for a distance of 12.50 feet to the centerline of the said First Avenue; thence E'y and at right angles along the centerline of the said First Avenue for a distance of 235.00 feet to the original shoreline of Boca Chica Channel as shown on said Plat; thence S'y with a deflection angle of 75°13'45" to the right and along the original shoreline of Boca Chica Channel as shown on said Plat for a distance of 31.03 feet to the S'y right of way line of the said First Avenue; thence W'y with a deflection angle 104°46'15" to the right and along the S'y right of way line of the said First Avenue for a distance of 234.90 feet back to the Point of Beginning.

SPECIFIC PURPOSE SURVEY FOR: Boyd's Campground;

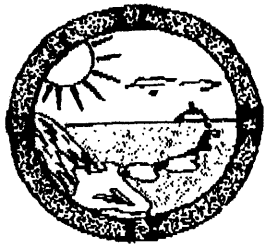
NORBY & O'FLYNN SURVEYING, INC.

J. Lynn O'Flynn, PSM
Florida Reg. #6298

March 15, 2005

Sheet Two of Two Sheets

NORBY & O'FLYNN
Surveying, Inc.
Professional Land Surveyors
LB No. 7131
3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244



Florida Keys Aqueduct Authority

Post Office Box 1239
1100 Kennedy Drive
Key West, Florida 33041-1239
Telephone (305) 296-2454
www.fkaa.com

Mary L. Rice
Chairman
Marathon

J. Robert Dean
Vice-Chairman
Key West

Elena Z. Herrera
Secretary/Treasurer
Rockland Key

Rose M. Dell
Big Pine Key

David C. Ritz
Key Largo

James C. Reynolds
Executive Director

June 28, 2005

Daniel H. Hamilton
Attorney at Law
13 Birchwood Dr.
Key West, FL 33040

RE: Abandon a portion of First St., that separates Blk. 33
and 44 as shown on George McDonald's Plat of Stock Island

Dear Mr. Hamilton:

The FKAA Board of Directors approved at the 6/23/05 meeting, the above referenced project.

Pursuant to your request for the abandonment of the above-reference property, Staff has researched your request and have no objection to the abandonment since the FKAA has no facilities in this section of roadway nor is there any present or future need for any.

Should you have any questions, please do not hesitate to call this office.

Sincerely,

FLORIDA KEYS AQUEDUCT AUTHORITY

Edgar F. Nicolle, Jr.
Distribution Design Specialist

EFN/cma

cc: Bob Feldman, General Counsel
Arlyn Higley, Director of Maintenance Dept.
Monroe County Building Department



(305) 295-1000
1001 James Street
PO Box 6100
Key West, FL 33041-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

May 19, 2005

Mr. Daniel H. Hamilton
Attorney at Law
13 Birchwood Dr.
Key West, Florida 33040

RE: ROAD ABANDONMENT
First Avenue on Stock Island

Dear Mr. Hamilton:

Keys Energy Services has no objection to the proposed mention abandonment.

If you have any questions, please feel free to contact me at (305) 295-1055.

Sincerely,

A handwritten signature in black ink, appearing to read "David D. Price", written over the word "Sincerely,".

David D. Price
Asst. Director of Electrical Operations
David.Price@KeysEnergy.com

DDP/ba

C:

C. Jansen, General Manager & CEO
D. Finigan, Director of Electrical Operations

JUL-06-2005 17:13 FROM:

TO:13052969032

P.004

To Monroe County:

Upon review of the Specific Purpose Survey of a portion of First Avenue on Stock Island by Norby & O'Flynn Surveying, Inc., and dated March 15, 2005, it is hereby determined that

BellSouth

650 UNITED ST

KEY WEST, FL 33440

(Mark the one that applies)

X does not object to the closure or abandonment of the property described in the survey.

 does not object to the closure or abandonment of the property described in the survey,
provided an easement is granted for continued use by the utility.

[Signature]
Signed

07-06-05
Date

To Monroe County:

Upon review of the Specific Purpose Survey of a portion of First Avenue on Stock Island by Norby & O'Flynn Surveying, Inc., and dated March 15, 2005, it is hereby determined that

Comcast

Greg Daniels
Construction Tech

(Mark the one that applies)

☒ does **not** object to the closure or abandonment of the property described in the survey.

☐ does **not** object to the closure or abandonment of the property described in the survey, provided an easement is granted for continued use by the utility.

Signed

Greg Daniels

Date

5/9/05

Doug,

The Survey does not intend to take the lift station, vault, or control panel (AS part of Parcel 2).

To Monroe County:

Chris

Upon review of the Specific Purpose Survey of a portion of First Avenue on Stock Island by Norby & O'Flynn Surveying, Inc., and dated March 15, 2005, it is hereby determined that

Key West Resort Utility

5/10/05

(Mark the one that applies)

☒ does not object to the closure or abandonment of the property described in the survey.

☒ does not object to the closure or abandonment of the property described in the survey, provided an easement is granted for continued use by the utility.

Signed

Date

Christopher G. [Signature]

5/10/05

Eadeh Bush Company, LLC

12 Driftwood Dr. - Key West, FL 33040

305/296-0270 phone

305/292-5496 fax

May 9, 2005

Monroe County Government

Re: Abandonment of 1st Avenue on Stock Island

Dear Sirs:

As an adjacent property owner at 6325 First Street, we have no objection to the abandonment and closure of the east end of 1st Avenue.

If there are any questions, please call.

Respectfully yours,

Eadeh Bush Company, LLC



Bush Sneed, PE

RBS/bs

cc: Dan Hamilton